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HISTORY OF MARYLAND

BOOKS BY

MATTHEW PAGE ANDREWS

A HISTORY OF THE UNITED STATES

A BRIEF HISTORY OF THE UNITED STATES

A HERITAGE OF FREEDOM

AMERICAN HISTORY AND GOVERNMENT

THE BOOK OF THE AMERICAN'S CREED

THE BIRTH OF AMERICA

HISTORY OF MARYLAND: PROVINCE AND STATE

George Calvert, First Lord Baltimore, projector of the Palatinate or Province of Maryland. After painting by Mytens

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HISTORY OF MARYLAND: PROVINCE AND STATE

BY
MATTHEW PAGE ANDREWS

GARDEN CITY, NEW YORK
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To
DeCourcy W. Thom, Henry W. Catlin,
Daniel R. Randall, the members of
the Maryland History Committee, and others whose encouragement made this effort
possible

FOREWORD

THE surest method of arriving at a correct understanding of the political institutions of our common country is to pursue intimately the story of the founding and development of one of the original thirteen colonies.

The Anglo-American settlers brought with them a full appreciation of the principles embodied in Magna Charta. They likewise had an understanding of the age-old struggle of Englishmen on behalf of liberty for the individual with its concurrent restrictions upon governmental prerogative. Not only this, but several of the colonies developed distinctive additions to this political heritage; and all alike achieved self-confidence by virtue of the establishment and practice of local self-rule, whence came America's most notable contribution to the science of government.

While this inherent devotion to individual liberty and the evolution of self-rule makes for similarity in the story of the Anglo-American colonies, there is to be noted, in each, not only differing conditions, but also different methods of approach to common problems. These variations seem to call for frequent comparisons; hence the historian of any one unit may best qualify for his task by the collective study of all the units. In this effort to present the story of the Province and State of Maryland, criticism has been sought from outside sources; and, from the start, it has been the aim of the author to set forth candid reviews of shortcomings together with the exposition of successful achievement.

Furthermore, since Maryland has seen unusual division of opinion in matters of political, sectional, social, and religious import, everything bearing upon these extraordinarily controversial subjects has been submitted to persons of differing sympathies representing, respectively, the varying points of view concerned in the events under discussion. The author gratefully records that, in almost every instance, when they were asked to

contribute of their detailed knowledge, students of special subjects have given generous assistance in an effort to render this exposition as complete and accurate as possible. Hence, the material gathered covers a range so wide that those who are not to the Maryland manor born will come upon Americana of universal interest; for many individuals and groups in the Province and in the State had important contacts beyond these local metes and bounds, out of which came events that have profoundly influenced the life of the Nation.

MATTHEW PAGE ANDREWS.

PREFACE

THE plan of this work is as simple as possible in view of the complex character of the subject treated. Authorities, citations, and references are given, in so far as space and other considerations permit; but concession is made to popular preferences by placing the great body of such citations at the back of the volume, so that the cumbersome formalities of documentation may not be immediately in evidence.

Stress is laid upon colonial origins; and in much of the narrative the author has attempted to eliminate interpretation, especially as to purposes or motives, by permitting the characters to tell their own story.

Should the details of sundry controversies—such, for example, as that involved in the struggle between William Claiborne and Cecil Calvert, or that between Charles Calvert and the Penns—prove tedious, it is suggested that the reader run over these passages rapidly in order to follow the fundamental romance of a commonwealth in which an independently minded people were striving to find self-expression in the difficult practice of self-government.

The author has in his possession a number of letters from American, British, Italian, Spanish, and Belgian sources bearing upon matters of research. Among those who generously gave attention to the preparation of the work in whole or in part are: Dr. Henry J. Berkley, Dr. Allen Kerr Bond, Colonel Washington Bowie, Samuel W. Bradford, Francis B. Culver, Edward S. Delaplaine, William M. Ellicott, Mrs. Frank C. Evans, J. L. Farnum, John W. Garrett, Charles McHenry Howard, Rev. Thomas Hughes, S. J., Edward Hungerford, Professor John H. Latané, Professor Robert H. Lord, Dr. H. R. McIlwaine, William P. Maddox, J. Barry Mahool, Rev. Dr. James M. Magruder, Professor Edward B. Mathews, James S. Murray, Rev. Victor F. O'Daniel, O. P., Colonel Henry Page, William Tyler Page, Dr. J. Hall Pleasants, H. F.

Powell, James H. Preston, Dr. Daniel R. Randall, General Milton A. Reckord, Professor J. Holland Rose, Rev. J. Elliott Ross, Horace Wells Sellers, Karl Singewald, Percy G. Skirven, Richard D. Steuart, De Courcy W. Thom, A. L. Tinsley, Captain William H. Vickers, Dr. George W. Ward, James Gustavus Whiteley, Daniel Willard, Judge T. J. C. Williams, J. Appleton Wilson.

The author likewise wishes to acknowledge the assistance given by various State officials and by individuals who had ready access to county or community records and memorials; especially those having diaries, journals, and correspondence; to the librarians of a number of repositories in sister commonwealths; to the heads of various departments of the Library of Congress; and to the ever-courteous and helpful officials in charge of the archives and records of the Maryland Historical Society, and those associated with the Peabody and Enoch Pratt libraries.

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HISTORY OF MARYLAND

HISTORY OF MARYLAND

CHAPTER I

Planning a Palatinate

Who knows whither we may vent
The treasure of our tongue?
What worlds in the yet unformed occident
May come refined with the accents that
are ours?

—Samuel Daniel.

It may be said that the founding of Maryland represents the fruition of an idea; and that the plan of settlement offered a solution for the most difficult political and social problem of the Christian era.

George Calvert, first of the Barons of Baltimore, was the Projector of the Province; and although the idea did not originate with him, he provided the plan which was, at his death, put into practice by his son.

In order to understand the scope of Lord Baltimore's conception and procedure it is necessary to review his active interest in previous colonization. These earlier connections included his association with the founders of Virginia and membership in the Council for New England. For this and other reasons, it should be more generally recognized that although Virginia, Massachusetts, and Maryland set out upon separate careers, their divergences have been overstressed to the neglect of their common interests and relationships. Any treatment of the beginnings of one of these colonies as a thing apart from its contemporaries is essentially incomplete.

With respect to George Calvert's personal antecedents, it may be briefly stated that he was born about 1580 at Kipling, Catterick Parish, North Riding, Yorkshire. His father was

Leonard Calvert, of Flemish ancestry; his mother, Grace Crosland.[1] His early boyhood was passed amid some of the most stirring scenes of English history. As a youth, he must have had numerous opportunities to meet the daring spirits who sailed the Spanish Main with Drake and those who survived the shock of combat with the mighty fleet which, in 1588, set out to secure for Philip II the domination of Europe and America.*

A few years after the defeat of the Invincible Armada young Calvert entered Trinity College, Oxford, where, in 1597, he obtained the degree of Bachelor of Arts; and eight years later he was awarded the degree of Master of Arts.[2] In the meantime he amplified his preparation for public life by means of extended travel in Europe; and it was after his return that he became secretary to Sir Robert Cecil, "being then esteemed a forward and knowing person in matters relating to the State."

On the 22d of November, 1604, Calvert married Anne, the daughter of George Mynn, of Hertfordshire.[3] Anne Calvert died in 1622, and an apparently impenetrable mystery surrounds the surname and family of his second wife, Joan.[4]

After he had been sent on a special mission to France, upon the accession of Louis XIII, Calvert was engaged by James I to assist him in the spiritual annihilation of Conrad Vorstius, whose theories, both theological and political, were obnoxious to the Stuart monarch. In the following year Calvert had charge of the correspondence with the governments of Spain and Italy. In 1617, he was knighted for public services; and in February, 1619, he was appointed Secretary of State, thus succeeding his former patron, the Earl of Salisbury, of whose estate he had been made an executor upon the death of the Earl in 1612. From this important office Sir Thomas Lake, his immediate predecessor, had been removed on the charge that state secrets had become more or less current knowledge through the undue loquacity of Lady Lake.†

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*About two hundred years later Napoleon dreamed such dreams for France; again one hundred years, and Fate seemed to beckon in similar fashion to Wilhelm II. Philip's dream, however, pointed more nearly to immediate realization, for Spain was already overwhelmingly powerful in both the Old World and the New.

†"James I questioned Calvert closely concerning Lady Calvert, warning him of the example made of Sir Thomas, whose wife and daughter he compared respectively to Eve and the serpent."—Hall, *The Lords Baltimore and the Maryland Palatinate.*

After having sat for Bossiney in Cornwall, 1609–1611, Sir George was chosen a member of Parliament from Yorkshire through the influence of Sir Thomas Wentworth, who became Calvert's most powerful friend in place of the deceased Salisbury—a change of patron which tended to accentuate the political conservatism of the new Secretary, who now fell heir to the well-nigh impossible task of acting as intermediary between the King and the House of Commons in the unremitting struggle which was to culminate in the Great Rebellion of 1642. In this difficult rôle, Calvert incurred, as mediators frequently do, the distrust of partisans on either side; and we read that when he endeavored to explain to the Commons that their beloved leader, Sir Edwin Sandys had not been "committed" by the King for anything said or done in Parliament, a member moved that the statement should be formally entered in the journal, to which the "note-taker" added, "The House will scarce believe Mr. Secretary, but thinketh he equivocateth."[5]

After his appointment as Secretary of State, evidence is immediately at hand to indicate his interest in colonial enterprises, for on the seventh of February he was writing to Sir Guy Carleton in the Netherlands concerning the proposed emigration of certain Walloon and French settlers to America. Secretary Calvert referred the matter to the officials of the Virginia London Company, who expressed no objection to the naturalization of these aliens, under certain restrictions as to the method of settlement. In fact, this instance offers the first presentation of the problem of the "melting pot" in North America. Jesse de Forest had asked for a separate community for his colony. The Virginia Company, probably on the advice of Sir Edwin Sandys, made the counter proposal that the whole body of Belgian immigrants be so divided that groups of families be given homes with groups of English colonists. Subsequently, this aggregation accepted terms offered by the Dutch and settled at the mouth of Hudson's River. In fact, the early official seal of the colony bears the inscription, *Sigillum Novi Belgii.*

Quite as interesting, however, as the first Lord Baltimore's antecedents and early career, and vastly more important in the story of the progress of human thought, is the origin and development of his plans for establishing a proprietary province in

America. It must always be borne in mind that while he was engaged in his public work under the Crown, great enterprises had been begun in the New World which were profoundly stirring the thoughts of the British people. Already, new ideas had been successfully introduced into the political life of overseas plantations—ideas that were destined to overturn generally accepted beliefs as to the functions of government in its relation to the people. Calvert not only knew of the evolution of these enterprises, but was associated with those who were promoting them.

It is generally admitted that there are certain epochs in the life of this or that people which, in the production of master minds, deserve to rank above the common run. In the life of the British people the Elizabethan era excels, especially if we extend the cycle some years beyond the span of her reign. In the treatment of American history, we are, perhaps, not directly concerned with William Shakespeare and his fellow dramatists; or with the philosophy and science of Sir Francis Bacon. Again, in the treatment of the origin of Maryland, we are but indirectly concerned with the voyages of exploration, with the claims and attempted settlements of Drake, Raleigh, Gilbert, and others. Yet these men and events must, in one way or another, have strongly influenced the Projector of Maryland. Before proceeding to the consideration of George Calvert's active participation in American colonization it is, therefore, desirable to consider some of his contemporaries. Among these the Earl of Southampton, for example, bore the same relation to Shakespeare that Salisbury bore to Calvert. Without the early patronage of Southampton there might have been no Shakespeare; without the favor of Salisbury there might have been no Baltimore. Southampton was the leading supporter of Sir Edwin Sandys in the development of the political policies of the Virginia Company; and Calvert's first patron, the Earl of Salisbury, was a liberal subscriber to its stock. Other members of the Sandys family were neighbors of the Calverts. Sir Edwin's father was the Archbishop of York, and Sir Samuel Sandys owned the estate near Scrooby, on which William Brewster of the Pilgrim settlement was a tenant; hence, Calvert must have known George Sandys, who, under the Virginia Company, was

a colonial official at Jamestown and the author of the first English literature produced in the New World.*

The precise beginning of George Calvert's participation in American colonization is not known, but it probably coincides with the beginning of his secretaryship under the Earl of Salisbury. The example of Salisbury may have influenced him to subscribe to the Virginia enterprise, and at the start he seems to have taken a more or less active part in the proceedings of the Company. Later, he seems to have regarded himself as being too close to the throne to remain a regular participant in the deliberations of that independently inclined body. He then conveyed or forwarded messages and instructions from the King to the Company.[6]

At one time or another Calvert was on all the principal administrative committees in charge of colonial affairs. Two years after the founding of Jamestown he was recorded as one of the seventy-two members of the Virginia Company; so, in 1621, he became one of the eighteen councillors of the New England Company. It was during the latter year that Calvert sent Captain Edward Wynne to Newfoundland, where he had already purchased a large tract of land from Sir William Vaughn. This tract he named Avalon. In April, 1623, Calvert obtained a charter for this venture or plantation.

Up to this point it seems that Calvert's chief interest in American colonization was that of a representative of the State, a view that is confirmed by the contemporary comment of the French Ambassador, Tillières, who described the Secretary as "zealously intent upon the welfare of England." In 1625 he disqualified himself for public office by announcing his conversion to the Roman Catholic faith. Simultaneously he tendered his resignation and expressed a desire to retire to private life. It is, however, creditable both to the King and to the Secretary that James I urged Sir George to remain in office. This liberal offer Calvert declined, whereupon James, dispensing with the oath of ecclesiastical supremacy, announced his intention to keep him on the Privy Council, whilst conferring upon him the title and prerogatives of Baron Baltimore, of Baltimore, in County Longford, Ireland.[7]

*A translation of Ovid's *Metamorphoses*. Some of the verses were "Englished" at Jamestown, and the first edition was "imprinted" in London in 1626.

From this time on, George Calvert turned his attention to the New World; and it is now necessary to cross the Atlantic for a rapid review of the situation there as Lord Baltimore determines to venture his private fortune in establishing the third English plantation in America.

From small and uncertain beginnings in the spring of 1607 the Jamestown settlement had become a flourishing colony, largely self-governing after the meeting of the first legislative assembly in 1619. In the late autumn of 1620 the Separatist exiles, setting out as the "Second Colony of Virginia," under the auspices of the Virginia London Company, had, by chance or design, landed on the coast of New England. They, too, had set up a self-governing entity; although, at the start, both colonies were severely handicapped in their economic progress by the institution of a system of holding property and produce in common. In fact, it was not until both settlements had abandoned these communistic practices that they began to prosper; and one of the most remarkable passages in early American records is Governor Bradford's frank statement concerning the utter failure of this plan, which had been tried at Plymouth from 1620 to 1623.*

It is important, also, to keep in view the fact that while Sir George Calvert differed with Sir Edwin Sandys and the latter's following in the Virginia London Company as to political privileges and self-government for the American colonies, the two appear to have been in agreement with reference to the general idea of religious toleration. In this respect, what Sandys may have seen as a vision Calvert prepared to carry into practical effect. Hence, the views of these two notable characters bear strange resemblances in some matters and sharp contrasts in regard to others. Both were intimately connected with the development of colonial empire in America, Secretary Calvert as the representative of royal prerogative on the one hand, and Sandys as the champion of representative government on the

*These instances of failure had been reported in England; and it appears that Lord Baltimore took especial pains to avoid making the same or a similar mistake. For example, in the charter of Maryland the rights and privileges of holding private possessions were specifically proclaimed as a fundamental part of the Calvert policy.

other. Both opposed religious intolerance and the spirit of persecution characteristic of the age in which they lived. When Sandys issued his invitation to the Pilgrim exiles to repatriate themselves in America the latter's emissaries in England were unable to make any progress in their emigration plans until George Calvert had become Secretary of State. The inference is at least natural, if not logical, in the light of other events, that as Secretary of State Calvert must have aided the Separatists, directly or indirectly, in obtaining their patent, which, unfortunately, is among the missing documents of history.

In 1624 Secretary Calvert, possibly the most kindly disposed representative of the Crown faction, was an appointee of James I to close up the affairs of the Virginia Company, after a subservient Bench had issued a writ of *quo warranto* for the dissolution of one of the most remarkable group of constructive statesmen that the world has known—if we are to judge their achievements by the results which flowed from their proceedings. Shortly afterward, James I died, and Lord Baltimore took the occasion to resign from the Privy Council, despite the protests of Charles I. He was now free to develop his colonial plans. Having shown ability in both public and private affairs he was well equipped with means and experience. In selecting Newfoundland for the site of his settlement, however, Calvert must have been deceived by over-optimistic reports, possibly from the former owner of the property.

For some reason or other, the two emissaries he had sent out —Captains Edward Wynne and Daniel Powell—had made favorable reports, whilst a kind of free lance, one Captain Richard Whitbourne, had described Newfoundland as an earthly Paradise. He had declared that the wild beasts were gentle; that the fruits and flowers ranged from the vegetation of the temperate zone to tropical luxuriance; and that the birds and fish were wonderful beyond imagination. Whitbourne reported, also, that he had encountered a "Maremaide"; although his description of her appearance was by no means alluring. In fact, one of the doughty Captain's men is reported to have ungallantly struck her in the head with an oar as the creature grasped the side of their rowboat. At all events, about two years after the colony was established, Sir William Alexander wrote of the Newfoundland settlement:

Mr. Secretary Calvert hath planted a colony at Ferryland [Avalon], who both for building and making trial of the ground have done more than was performed of any in so short a time, having on hand a brood of horses, cows, and other bestials, and by the industry of his people he is beginning to draw back yearly some benefits from thence already.

Incidentally, these first two winters must have been milder than usual, a point apparently corroborated by Governor Bradford, who in the second year at Plymouth wrote of his return from the forest on Christmas Day to find some of the newer settlers engaged in a game of ball—for which, incidentally, they were severely reprimanded.

Later, however, the colony called for the personal attention of Lord Baltimore. Hence, in 1627, he writes to Sir Thomas Wentworth:

I must either go and settle it in better order, or else give it over, and lose all the charges I have been at hitherto, for other men to build their fortunes upon. And I had rather be esteemed a fool by some, for the hazard of one month's journey, than to prove myself one certainly for six years by-past, if the business be now lost for the want of a little pains and care.

After a brief stay at Ferryland Baltimore returned to England for the winter of 1627–1628. In the summer of 1628, he again visited Avalon, this time with some forty settlers and his wife and children, with the exception of Cecil, who remained behind to look after his father's estate.*

Prior to his coming, Lord Baltimore had caused to be built granaries and storehouses; and, for his own residence, possibly the handsomest house then in English North America—all at an outlay variously estimated at from £20,000 to £30,000. He was now ready to take possession. His serious troubles, however, began with his second landing. On August 25th, with no little appeal to one's sympathies, he writes to the Duke of Buckingham:

I came to build, and settle and sow; and I am fallen to fighting Frenchmen.

It was fitting that Buckingham should hear of these difficulties, for trouble with the French had been brought on largely by the former's policies. The results of the local conflict reflect great credit on Lord Baltimore and his men; although his letter

*As previously stated, Calvert's first wife had died in 1622. His second wife was nearly lost by shipwreck on her return to England from Virginia in 1630. Much plate and other personal possessions were lost.

to Buckingham, describing the affair, is a plain unvarnished tale that conveys no sign of boasting and little evidence of pride in having twice caused the invaders to beat a disastrous retreat. On one of these occasions, Baltimore sent out against the enemy two vessels, the *Ark* and the *Dove,* destined, within the next decade, to bear the first settlers to Maryland.

Although able to overcome human foes, such as the French, together with certain malcontents at Avalon in league with others in England, the Proprietary soon realized that he could not successfully contend with the forces of nature. The winter of 1628–1629 was a very severe one, and, in a letter to the King, dated August 19, 1629, he narrates a moving story of disappointment, disease, and death. After stating his belief that an English settlement could not hope to expand and prosper in those parts as its promoters had anticipated, he writes:

> Yo'r Ma'ty may please to understand that I have found by too deare bought experience, w'ch other men for their private interests always concealed from me; that from the middlest of October to the middlest of May there is a sad fare of wynter upon all this land; both sea and land so frozen for the greater part of the tyme, as they are not penetrable, no plant or vegetable thing appearing out of the earth, untill about the beginning of May, nor fish in the sea, besides the ayre so intolerable cold, as it is hardly to be endured. By means whereof and much salt meate, my house hath been a hospitall all this wynter; of 100 persons, 50 sick at a tyme, myself being one; and nyne or ten of them dyed.*

Calvert further refers to a very natural longing to abandon all such severe trials and enterprises; but, in the same sentence, he declared that he hoped to make other efforts under more propitious conditions and warmer skies. He added:

> My inclination carrying me naturally to this kind of work, and not knowing how better to employ the poor remainder of my days, than with other good subjects, to further, the best I may, the enlarging your Majesty's empire in this part of the world, I am determined to commit this place to fishermen that are able to encounter storms and hard weather, and to remove myself with some forty persons to your Majesty's dominion Virginia; where, if your Majesty will please to grant me a precinct of land with such privileges as the king your father, my gracious master, was pleased to grant me here, I shall endeavor, to the utmost of my power, to deserve it and pray for your Majesty's long and happy reign. . . .[8]

*Nevertheless, the mortality at Avalon was less than that at Jamestown, which, in the main, was due to malarial fevers; or at Plymouth, where the deaths were chiefly due to the cold and a lack of variety in food. Subsequently, Maryland became the first Anglo-American colony that did not, at the outset, suffer a staggering total of illness and deaths.

In the meantime, Lady Baltimore had sailed for Jamestown and had therefore been spared the sufferings of the severe winter of 1628–1629. Thither Lord Baltimore followed in the fall of 1629, without awaiting a reply from the King, who addressed him a friendly letter, expressing the hope that he would abandon such arduous labors, promising him in England the "liberty of a subject and such respect from us as your former services and late endeavor deserve."

Arriving in Virginia in October, Baltimore was welcomed by some, but regarded with unconcealed distrust by others. The latter were by no means persuaded that here was a man who was both devoted to his country and, in religious matters, broad-minded above his fellows, the official Church, and the age in which they lived. It was sufficient for many of the Virginians to know that Lord Baltimore was not only a Roman Catholic peer, but that he had also been a member of the Privy Council and a royal appointee to close the affairs of the Virginia Company. They feared a man who might at any moment be able to secure a royal grant of either a part or the whole of Virginia. Furthermore, these transplanted Englishmen had been threatened, from the date of their first settlement, with extinction by the power of Spain, whose New World claims had been formally sanctioned by the Pope; hence, many of them made no distinction between an English adherent of the Church of Rome and an out-and-out enemy. The flames of their prejudices were industriously fanned by those who had political or personal ends to serve; so that a combination of these elements was sufficiently strong to urge the Virginia Council to force upon the distinguished visitor not only an oath of temporal allegiance, to which Baltimore did not object, but also the portion relating to the spiritual supremacy of the King, which last had not been thrust upon him in the mother country. Baltimore accepted the first but declined to subscribe to the second.

On the other hand, an examination of records now available brings out the fact that the older historians have laid too great emphasis upon certain acts of hostility against Calvert on his visit to Virginia, whilst little or no mention is made of the courtesies shown him. For example, much has been made of the fact that Thomas Tindall gave Lord Baltimore "the lie" and threatened to "knock him down." True, but Thomas was

promptly sentenced to do two hours in the pillory. In any event, the Projector of Maryland must have departed from Jamestown in a fair state of peace and good will, since he decided to leave his wife, several of his children, and "great store of plate" and personal effects in Virginia for some months thereafter. In fact, he spoke well of the country and its people, and it seems that he departed in the expectation of rejoining his family there before entering upon the land he sought for his own possession.[9]

As above stated, Lord Baltimore had intended to return to America; but the royal will was set against his departure to the new fields of effort; hence, he planned to send out all future expeditions under other leadership. While at Jamestown, he had cast his eyes longingly on the territory south of the James River, embracing the lower part of the present State of Virginia and the northern part of North Carolina. Charles prepared to make the grant in accordance with Baltimore's wishes. In the meantime, however, great opposition was set up by a commission sent from Virginia as well as by some of those who had been members of the dissolved Virginia Company.

Apparently upon the discovery of the extent of this opposition Lord Baltimore changed his plans and sued for a tract or "precinct" north of the settled portion of Virginia instead of south of it. The sequel showed that Calvert had lost none of his former prestige with the King, since he gained the consent of Charles I on the basis of a charter which, it is said, he wrote out with his own hand, leaving only a blank therein for the name of the proposed province. Baltimore suggested that it should be named "Crescentia," the land of growth or increase. According to the Sloane manuscripts the story of the naming of the Province runs as follows:

> The King, before he signed the charter, put the question to his lordship, what he should call it, who replied that he desired to have it called something in honor of His Majesty's name, but that he was deprived of that happiness, there being already land in those parts called Carolina. "Let us, therefore," exclaimed the King, "give it a name in honor of the Queen. What think you of Mariana?" Upon Lord Baltimore's recalling the fact that a Jesuit by that name had written against monarchy, "the King proposed Terra Mariae [Mary Land], which was concluded on and inserted in the bill."

The terms of the Maryland charter will be discussed in connection with the actual founding of the Province, since George

Calvert did not live to direct the settlement. It is probable, indeed, that he never fully recovered from the effects of his illness at Avalon and from the material and spiritual distress caused by the failure of his first colony, in which he had sunk a great part of his private fortune. In any event, on the 15th day of April, 1632, while his charter was proceeding slowly through the prescribed legal channels and awaiting the imprint of the great seal, the first Lord Baltimore died at the comparatively early age of fifty-two. Hence, it was left for his son, as the actual Founder of the Province of Maryland, to carry out the plans his father had prepared.

The distinctive ideas developed in the actual founding of Maryland will necessarily be taken up in the next chapter, in which the principal figure will be Cecil, successor of George Calvert and second Baron Baltimore. Since Cecil was the active Founder of the Province the claims of Maryland for priority in the practice of religious toleration and the separation of the functions of Church and State must be associated with the son, who likewise fell heir not only to his father's possessions but also to his policies. Nevertheless, a brief review of George Calvert's attitude and procedure in connection with this subject seems at this point essential. As previously indicated, it cannot be claimed that the idea or ideal of the severing of age-old political and ecclesiastical bonds was original with the Calverts. From the days of Constantine and Lactantius there had been men who, at peril of their lives, openly deplored the evils arising from what they believed was a confusion of the things that belong to Cæsar with those that belong to God.

It may be noted, in the first place, that, concerning the ecclesiastical prerogatives of the Proprietary, there is a clause in the Avalon charter which was very broad in its presumption of authority. This was amended and expanded by Lord Baltimore in the charter for Maryland. Here it was stated that the Proprietary was to have and exercise as great power as "any Bishop of Durham, within the bishoprick or county palatine of Durham, in our kingdom of England, ever heretofore hath had, held, used or enjoyed, or of right could, or ought to have held, use, or enjoy." This declaration has been subjected to numerous interpretations—from the conception that Lord Baltimore sought to set up a colony chiefly or exclusively Romanist,

with respect to religious practices, to a liberal and laudable desire to have sufficient authority given him to be free from any interference on the part of Church or State so that he could fully develop and practice the principles of religious liberty.

Because of this conflict of opinion as to the terms of the Charter, set forth in a day when language was so often used to conceal thought, we must judge George and Cecil Calvert by their acts rather than by the limitations of expression so generally imposed in an age where tolerance was by the officials of Church and State the last thing to be tolerated. Not a few writers have declared that Calvert, having seen the Separatists secure freedom of worship in New England, merely sought the same privileges for Catholics in Avalon and Maryland but there is an important difference in attitude or procedure. Calvert and his son and successor welcomed men of all faiths. On the other hand, the Separatists preferred their coreligionists only; while the Puritans of Massachusetts Bay positively repelled those from without their congregation, or else refused the privileges of citizenship to those who differed with them. It appears that no church of the Seventeenth Century may officially lay claim to the advocacy of tolerance, when conformity under compulsion was the universal practice; but yet, while in all the churches, perhaps the majority of clergy and laymen considered it a pious task to compel men to walk in some prescribed path to heaven, it may also be said that each church had those within its fold who believed in tolerance as a principle of the Christian faith. These liberal individuals dared not express their views too openly; when, therefore, they advanced the doctrine of toleration, they did not represent the Church but ran counter to its practices. Thus it was with George and Cecil Calvert. A hundred years before, the theory of toleration, with the separation of civil and ecclesiastical functions, had been advanced by Sir Thomas More. He wrote in Latin; but his ideas were translated into English by different editors. George Calvert was probably familiar with *Utopia,* particularly as Father Henry More, the great-grandson of the author, was ultimately received as the spiritual counselor of the Calvert family.[10]

The official Church, regardless of sect, had accepted faith and hope, accompanied by many good works and vast self-sacrifice; but, with the advent of prosperity and the attainment

of political power, charity, as it affected doctrinal differences, was too often forgotten. This spirit of intolerance manifested itself in greater or less degree under different circumstances, but it was common to all creeds, to be exercised pretty much in proportion to the exercise of temporal power. Entire nations were forced into one religious faith or another on political grounds. The people of each were called upon to conform or be rated as rebels. Since, then, the rivalry of nations became identified with different creeds, it was thought that no state could with safety permit the practice of more than one faith. Hence, it was sincerely believed in England that the Church upheld by Spain must, at all hazards, be kept down by Britain. In Spain the same rule worked, with the relationship reversed.

To understand this period, therefore, one must not only bear in mind the ecclesiastical threat of foreign domination, whether real or imaginary, and the generally accepted belief that Church and civil procedure were interrelated; but there is the other side of the shield to be examined—that any opinion contrary to these, namely that of tolerance, whether held by an individual Catholic, Anglican, Puritan, Presbyterian, Separatist, or what-not, were decried by all alike. Belief in toleration was, in the eyes of persecutors and persecuted, worse than the dogma of any sect. It was not only ecclesiastical heresy, but it seemed also a veritable highway to civil anarchy.[11]

As representatives of the three forms of faith most prominent in England in the reign of James I, three men may be singled out as exponents of toleration. One is Edwin Sandys, an Anglican, son of the Archbishop of York and the leading founder of civil liberty in Virginia. The fact that he was the first sponsor for the repatriation of the Separatists exiled in Holland entitles him to consideration on this score. The second is John Robinson, of the Separatist congregation in the Netherlands, who gradually developed liberal views in advance of his brethren and in opposition to Puritan thought and practice. And the third—neither last nor least—is George Calvert, who appears always to have been inclined to toleration, first as an Anglican and later as a Roman Catholic.[12]

The evidence indicates that after he had become a Catholic George Calvert welcomed Anglican priests to Avalon. This fact has been actually quoted by his detractors as proof of

the insincerity of his religious professions, whilst the same writers accuse him elsewhere of crafty designs to set up the Roman Church and invite Spain to do her worst. It seems far more likely that the first Lord Baltimore thought it was possible to put in practice at Avalon the ideals of Utopia. It is interesting to note that whereas his son Cecil invited men and women of all denominations, the latter had evidently learned through the experience of his father in the Avalon enterprise that it was dangerous to introduce clergymen of the church legally established by the government, even though the Court was inclined to protect him. Subsequently, this lack of clergy for Anglican believers became a basis for complaint in the Province of Maryland.*

George Calvert was by nature inclined to political conservatism, and this conservatism was undoubtedly increased by his immediate environment and associations at the Court of James I. His was of that type of mind which accepted loyalty to his superiors as part of his political creed. From this angle, it may be conjectured that had he lived to inaugurate the actual settlement of Maryland he would not have been as liberal as his son Cecil in dealing with the colonists. In the Virginia Company, for example, he had been a member of the faction which opposed the policies of Sir Edwin Sandys. Hence, it may be surmised that had civil war broken out in 1622 instead of twenty years later, Sandys would have been found on the side of Parliament, disapproving, however, of the course of the extremists in the popular party; and Calvert would have supported the King, whilst he advocated liberal terms of peace or reconciliation. In both cases the more moderate aims or desires of either would have been swept aside by the passions of the hour. Sandys certainly would not have commended the fierce fervor of Praise

*Not infrequently queries have been put to historians of this period which, in effect, are: "If Roman Catholics were persecuted so violently by the Anglican Church, how did it happen that Lord Baltimore should have received the most remarkable grant of property and power that was awarded any Englishmen of that day?" The fact that Roman Catholics were persecuted, some more, some less, must be accepted with the statement that a few were the recipients of extraordinary favors; and this liberality must be credited to the British rulers, along with a not inconsiderable quiet disapproval of the illiberal laws then associated, not only with the Anglican Church, but with state-endowed churches everywhere.

God Barebones and a Puritan Parliament. Again, had the Royalists won, Calvert would have deprecated excessive prosecutions or persecution, whether based upon religious or political grounds.[13] In fact, Lord Baltimore's charitable disposition showed itself in the first business which came before him as a member of the dreaded Star Chamber tribunal. In that first case, he advocated leniency in the matter of the trial and conviction of the Earl of Suffolk. On the other hand, under criticism from Buckingham, he appears to have been rather easily convinced that, in so doing, he had, to use his own language in reply, "consented to too light a sentence on the delinquent."[14]

George Calvert's last will and testament is brief. By its terms his eldest son, Cecil, was made the heir of his estate. Mention was made of sundry persons and things; yet nothing at all was said of the project that lay nearest his heart.

This omission of any reference to his great colonial enterprise may be presented as an illustration of the futility of absolute dependence upon official documents as the means by which we may learn, or rightly set forth, the history of man and the development of his ideas. A too-literal reading of official statements may be cited as one of the reasons why the true origin and character of the Jamestown settlement has been misinterpreted for more than three hundred years, and why the connections between the first three colonies have been so generally neglected. As previously indicated, many of the purposes of liberal ministers living under a despotic king could not be published.

By "dint of death" the Projector gave way to the Founder; but as Elisha proved worthy of the mantle of Elijah, so Cecil was equal to the task left him by his father. Time showed that the son had inherited the steady determination of George Calvert, and that he combined with the paternal fixity of purpose much of the diplomatic skill of his father's patron, whose name he bore. His father had sought or followed the preferments of a life at Court; therefore, some of his political views necessarily passed into public notice; Cecil, however, avoided contact with the Court and government except when such contact was needed to maintain those vital interests upon which he had resolved to stake his life and fortune.[15]

Cecil Calvert was born in 1606, the year of the sailing of the *Sarah Constant,* the *Goodspeed,* and the *Discovery,* bearing those destined to found the first permanent English colony in the New World. He was named after Sir Robert Cecil, Earl of Salisbury. Beyond these simple facts very little of the life of Cecil is known until after the death of his father in 1632. As his father had done before him, Cecil entered Trinity College, Oxford. At Oxford he went through the forms of matriculation, but no record of his graduation has been found. In 1628 he married Anne, daughter of Thomas Arundell, of Wardour Castle, a Catholic peer.[16]

If we are to judge by her portrait, Anne Arundel was singularly beautiful; and, as her disposition and talents did not belie her appearance and position it would seem that on the part of Cecil, at least, it must have been a match for love rather than for fortune. Nevertheless, from a conveyance in trust preserved in the *Calvert Papers* we learn that Calvert senior had put a special award upon the early settlement of his eldest son and heir, since, upon his marriage, Cecil was to come into possession of considerable property "near Richmond in North Riding, York." It is true that Lord Baltimore required some payment for the property; but it may have been given out as allurement to a hesitant belle. The conveyance, it may be noted, was to be void if Cecil's marriage should not be consummated within a year from date.*

The Maryland Charter, prepared by George Calvert and presented April 15, 1632, passed the royal seal and was issued to Cecil in June of the same year. Thus, at the age of twenty-six, the latter became the sole proprietary of the newly created American Palatinate.

Some historians have at so great length dilated upon the extraordinary powers granted to the Lords Baltimore that a false impression has arisen as to what really happened under the exercise of this grant. It seems clear that undue emphasis has been laid upon the aristocratic or autocratic features of Lord Baltimore's plan of government, to the comparative neg-

*Part of the conveyance reads: "To keep these lands in the name and blood of Sir George Calvert and for £3,000 to be paid by Cecil Calvert, £1,000 on marriage and £2,000 after marriage."

lect of the inconspicuous phrases therein which led to the immediate exercise of popular sovereignty by virtue of an assembly of the freemen of the province. The powers granted to the freemen were promptly expanded by the settlers, who immediately asserted those political rights and privileges which had been the outgrowth of slow and painful processes at Jamestown.

It seems advisable to make use of a convenient summary of the imposing array of the specified powers of the Proprietary, and then beside them set the apparently insignificant but really more important phrases from which flowed a representative form of government, the third example of that practice of local self-government which became a sacred principle in the hearts of all the Anglo-American colonists, and to none more than to those of the Maryland Palatinate.

Lord Baltimore was, by the terms of the Charter, endowed with the following prerogatives: He was Lord Proprietor of all the land and water within the boundaries of the province, and islands within ten marine leagues of the shore, with mines and fisheries, in perpetual possession to himself and his heirs. He was granted the right to initiate legislation, public or private, with the assent of the freemen of the province; and, with respect to ordinances not impairing life, limb, or property, without this assent. He was empowered to establish courts of justice of various kinds, and appoint judges, magistrates, and civil officers. He had power to confer titles and dignities, to erect towns, boroughs, and cities, and make ports of entry and departure; also to pardon all offenses. In matters ecclesiastical the charter gave the Proprietary the power to erect and found churches and chapels, and cause them to be consecrated according to the ecclesiastical laws of England; and to have the patronage and advowsons[17] thereof. In matters of military or economic moment, he had the authority to call out and arm the population, wage war; also, to exercise martial law in case of insurrection; to alienate, sell, or rent the land; and to levy duties and tolls on ships and merchandise.

In return for all the powers thus granted, Baltimore was called upon to pay a fifth part of precious metals mined, if any; to swear allegiance to the Crown; and in token of fealty yield an annual rent or tribute to the King at Windsor of two Indian arrows. It was also stipulated that the inhabitants of the Pala-

tinate were to be free to carry on trade with the mother country, whilst the Crown obligated itself never to impose any form of taxation upon the people. Besides the fifth part of any gold or silver that might be mined, the swearing of allegiance, and the annual "yielding" of two arrowheads in token of fealty, Charles I imposed one restriction—but so qualified as to be free to the broadest interpretation; *viz.*, that the laws made "be consonant to reason, and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the laws of England." Wide latitude was given to the Proprietary in the statement that should any doubt arise as to the meaning of "any word, clause, or sentence," in the charter, that interpretation should be made which "shall be judged to be the more beneficial, profitable, and favorable" to the Baron Baltimore.

In appearance, therefore, the Maryland charter was imperial, aristocratic, and feudal in its terms, except in one small particular—in the clause that admitted the calling of a colonial parliament. Even in this instance it was evidently intended that the provincial assembly should be controlled largely in the manner in which the Stuart kings thought parliaments should be controlled, in that the initiative in matters of legislation should come from above. But no idea of this kind, whether undertaken by a proprietary in Maryland, practised by a theocracy in Massachusetts, by a Berkeley in Virginia, or proposed by a doctrinaire for the Carolinas[18] could long succeed on the Anglo-American frontier. It is to the lasting credit of Cecil Calvert that, with unusual grace at a time when the prerogatives of rank and authority were so jealously defended, he yielded to the demands of the settlers, whereas the stubbornness of another placed in like position might have wrecked the entire enterprise. Bishop Russell writes:

> [Undoubtedly George Calvert's] intention in so wording the charter as to give himself and his successors such sweeping sovereignty, was not to make use of that power for self-aggrandizement, but to defend his colony from royal interference and to preserve intact for his colonists that principle of religious toleration which he had desired should always be theirs.[19]

In view, however, of the extraordinary liberality of Charles I it would seem that it would be more in keeping with probabilities to say Calvert sought these viceregal powers to defend his

colony from parliamentary rather than from "royal interference." After the Maryland Charter had been officially issued on the 20th of June, 1632, Cecil Calvert lost no time in interesting desirable emigrants and making everything ready for the enterprise. It would be most instructive to know how the youthful proprietary went about the process of selecting or inviting those who would undertake the great adventure under his auspices. We should like to learn what letters of approval he received and what objections, doubts, inquiries, and criticisms were raised. Concerning these points we have comparatively little information; but we do know from several sources that by no means the least difficult of his tasks was to make headway against the opposition of those in high places in Church and State. Enemies beset him on every side. These were animated by religious bigotry or political distrust. Again, there were court intrigues and personal enmities left over from the performance of his father's official duties under the direction of James I. Among the latter, we may include the more or less natural opposition of the former members of the Virginia London Company. No hope of material gain could offset the trials and anxieties which continually interrupted his plans and so often brought the enterprise to the verge of disruption up to and after the departure of the Maryland emigrants. The reader would be wearied with a complete recital of the various trials and tribulations of the Founder of the Maryland Province. It may be noted, however, that the first simply worded clause in Lord Baltimore's letter of invitation to a prospective settler tells a story fraught with great significance. In this, as late as the first of September, 1633, Calvert writes:

> As the Privy Council have decided that I shall not be disturbed or dispossessed of the charter granted by his Majesty, the *Ark* and pinnace *Dove* will sail from Gravesend about 1st of October, and if you are of the same mind as when I conversed with you, I would be glad to have you join the colony.[20]

This seemingly casual statement shows that it was not enough to get a royal seal and charter from a Stuart king when so many opponents of the enterprise were abroad in the land. How many of these messages and letters of invitation and repeated explanations Cecil had to send or write before and after the final

decision of the Privy Council we may only conjecture. Certain it is that Lord Baltimore freely invited those of convictions other than his own. It may be easily imagined, however, that he at least desired to select the first settlers with some care in the hope of finding both Catholics and Protestants partly or wholly in sympathy with his own and his father's intentions of making religious toleration the touchstone of the newly created plantation.

In view of George Calvert's losses in his ill-fated attempt at Avalon the question naturally arises whether his heir and successor could command the means to support the new enterprise. The answer appears to be that he could not, and that Cecil was obliged to appeal for contributions other than those given by the actual or active participants in the venture. We know of this dependence upon others from references to sundry "adventurers," as those investors who advanced "moneys" for colonial or trading enterprises were called. Allusions to such persons appeared for a period of about twenty years, though their several identities are locked in mystery. That these coinvestors were not named seems to show the dangers and difficulties of an enterprise promoted under such general suspicion as to its intentions; for, as previously stated, Roman Catholicism was popularly identified with the power of Spain, and the judgment of neither James nor Charles was trusted by the people, however much both monarchs were justified in trusting to the loyalty of the Calverts, as Elizabeth had depended upon Roman Catholics to help defend her realm against Philip's Invincible Armada.[21]

In considering the beginnings of the Maryland Province, it is a noteworthy fact that by the time of its establishment, the policy of the English government against Roman Catholics had become more lenient. In the first place they were the coreligionists of the Queen, and in the second place the heavy hand of Archbishop Laud—in modern terms, a "high churchman"—was directed chiefly against the Puritans. This had a double effect: it increased the emigration of Puritans by thousands, principally to Massachusetts Bay, while it served to keep Catholics at home. As rumor had it, the Archbishop had "all sails set for Rome"—a report that encouraged some Catholics to hope for

reunion under the Vatican, but that set Puritans and low churchmen to thoughts of fleeing the realm or openly resisting the authority of Church and State.[22]

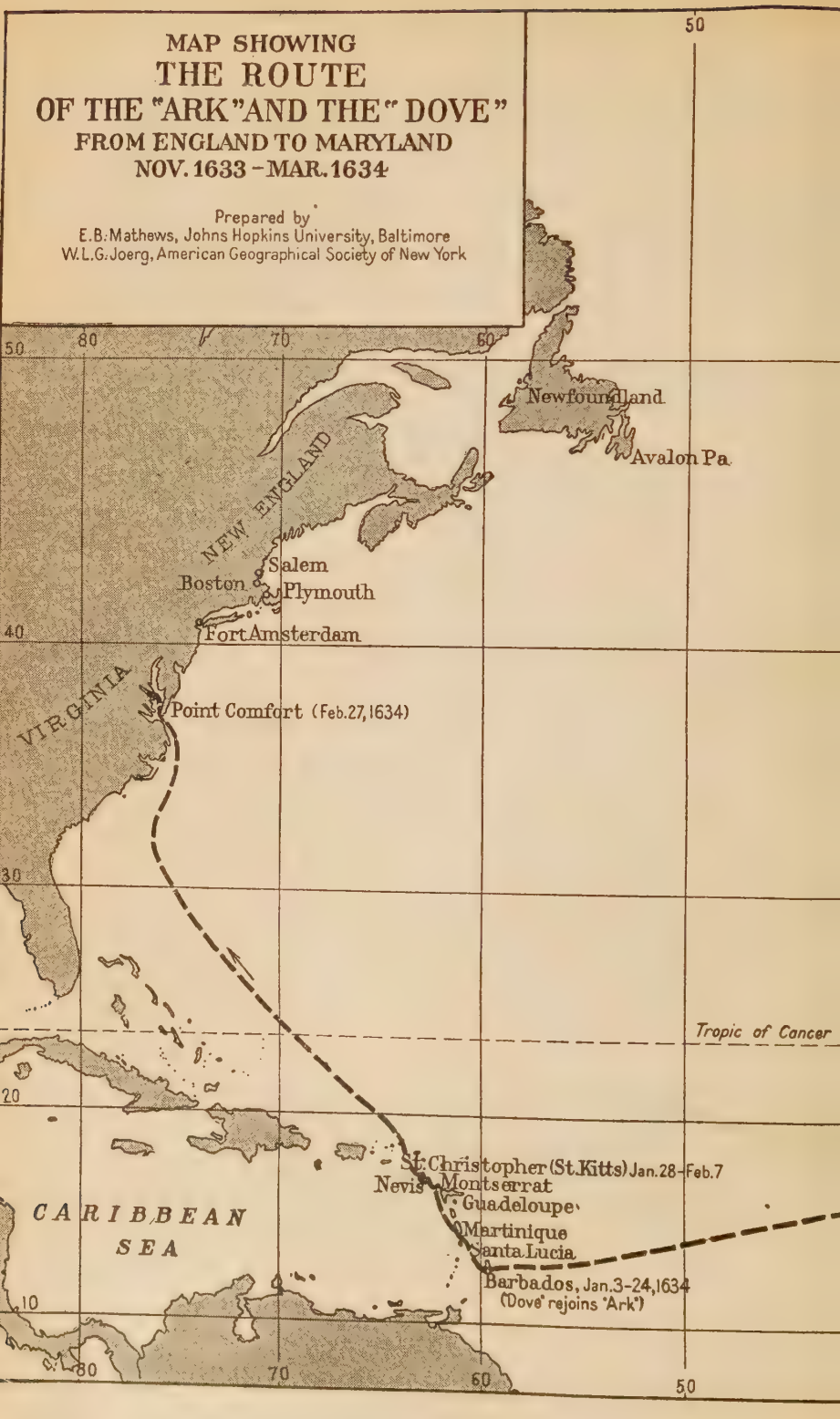
After sundry and grievous delays, due to the malice of his enemies, the *Ark* and the *Dove* set sail for "Mary Land," November 22, 1633 (O. S.). On the 10th of January following their departure Cecil wrote to his father's friend, the Earl of Strafford:

> . . . My ships are gone, after . . . my adversaries had informed, by several means, some of the Lords of the council that I intended to carry nuns over into Spain and soldiers to serve that king, which, I believe, your Lordship will laugh at as they did. . . .
>
> I have . . . at last, by the help of some of your Lordship's good friends and mine, overcome these difficulties and sent a hopeful colony into Maryland with a fair and probable expectation of good success, however, without danger of any great prejudice unto myself, in respect that others are joined with me in the adventure.

It had been Cecil Calvert's expectation to accompany the first colonists to Maryland, as his father had gone to Avalon; but it appeared necessary that he should remain in England to keep his political foes from severing connections between the settlement in America and the sanction of authority at home. Consequently, the expedition was placed under the direction of Cecil's brother, Leonard, who was duly appointed by Lord Baltimore commander of the expedition and the first Governor, or "Lieutenant General," of the Province. In addition to Leonard another brother of Lord Baltimore, George, was aboard.

In his letter to Strafford,[23] the oft-quoted summary made by the Proprietary in regard to the number and character of the emigrants, that "There are two of my brothers gone with very near twenty other gentlemen of very good fashion, and three hundred laboring men," is loose and inaccurate, as will be seen hereafter.

Finally, in this review of the sailing of the expedition, further comment may be made as to the number of emigrants declared by Lord Baltimore, and their church affiliations. After the vessels had been held up subsequently to an attempted start, it was stated that the oath had been administered to one hundred and twenty-eight persons, and that others joined the expedition at


MAP SHOWING
THE ROUTE
OF THE "ARK" AND THE "DOVE"
FROM ENGLAND TO MARYLAND
NOV. 1633 – MAR. 1634
Prepared by
E.B. Mathews, Johns Hopkins University, Baltimore
W.L.G. Joerg, American Geographical Society of New York
50
80
70
60
50
Newfoundland
Avalon Pa.
NEW ENGLAND
Salem
Boston
Plymouth
40
Fort Amsterdam
VIRGINIA
Point Comfort (Feb. 27, 1634)
30
Tropic of Cancer
20
St. Christopher (St. Kitts) Jan. 28 – Feb. 7
Nevis
Montserrat
Guadeloupe
Martinique
Santa Lucia
CARIBBEAN
SEA
Barbados, Jan. 3–24, 1634
("Dove" rejoins "Ark")
10
80
70
60
50

30
20
10
0
IRELAND
ENGLAND
Baltimore
London
Gravesend
Cowes. Leave Nov. 22 (O.S.), 1633
Scilly Is.
Lof Wight
50
"Dove" turns back Nov. 25
Azores
40
Strait of Gibraltar
Madeira
CHESAPEAKE BAY REGION
Susquehannocks
Canary Is. (Fortunate Is.)
Delaware Bay
Kent I.
Piscataway
Potomac
Chesapeake
St. Clement's I.
St. George's
St. Michael's Pt.
(Pt. Lookout)
St. Mary's
St. Gregory's Pt.
(Smith Pt.)
Cape Verde Is.
Boavista
ST. MARY'S
St. Mary's
St. Inigoes
Potomack R.
James R.
Jamestown
Pt. Comfort (Feb. 27-Mar. 3)
Bay
0 1 2 3 4 5 M
0 10 20 30 M.

the Isle of Wight. "Doubtless there were," says Hall, "numbers who could not conscientiously take the oath of supremacy"; but what proportion of this first company of emigrants were of the Roman Catholic faith it is now impossible to determine. A large proportion of the company were composed of men from various walks of life who, for some reason or other, were bound for a term of years. These, apparently, were mostly Protestants. Of the men of independent means, who went to take up lands in the Province, the majority appear to have been Roman Catholics.

That among the gentlemen adventurers there were some who were conformable to the Church of England is shown by the fact that from their number were to be chosen messengers, the one to convey letters—including a communication from the King—to Sir John Harvey, Governor of Virginia; and the other to convey letters to Captain William Claiborne, who had established a trading post on Kent Island and who, claiming prior possession, was during a long life Lord Baltimore's untiring antagonist. Obviously the persons to be selected for these important and delicate missions were not servants.[24]

The varying statements as to the comparative numbers of Catholics and Protestants are interesting but apparently irreconcilable. The arguments based upon both Catholic and Protestant sources, chiefly the former, point to the preponderance of Protestants (*infra*). Father Henry More (*supra*), in his "Memorial to the Propaganda at Rome," averred that "by far the greater part were heretics." This statement, however, is discounted by Bishop Russell, who, while admitting lack of positive proof, maintains the contrary view. In any event it seems clear that the number of actual immigrants given in Cecil Calvert's above-mentioned letter is incorrect. He did not then know how many of his prospective colonists had got off; for shortly afterward, in a declaration before the House of Lords, he used the clause "Having seated already above two hundred people there."[25] At Gravesend, the London "Searcher," Watkins, had reported that he had given the oath of allegiance to 128 persons. Since this oath involved or included acknowledgment of the ecclesiastical supremacy of the King, it was objectionable to the Catholics. From the fact that the oath was given and accepted, and also because it was reported by Watkins that many had "given over" the voyage, it has been stated that the

128 were all Protestants. That this is absurd goes without saying when it is realized that Leonard Calvert and other known Catholics remained on board. No doubt the "Papists" took the oath reluctantly; but it is shown that while some Catholic clergy and laymen refused to take the oath as an abjuration of their faith others did not so regard it.[26] However, since arguments and "authorities" are interminable on either side of the question, it is impossible in this connection to pursue the ramifications of the debate. Suffice it to say that the remainder of the colonists, accepted by Russell as ninety-four in number, including the Jesuits, joined the other emigrants after the Searcher's ceremonial, thereby making an estimated total of two hundred and twenty-two persons, just about double the number of first settlers of Jamestown in 1607 and of Plymouth in 1620.

Finally the *Ark* and the *Dove* set sail from Cowes, on the north shore of the Isle of Wight, on Friday, November 22, 1633. The future colonists had proceeded west but a few miles when the wind died down, leaving them standing before Yarmouth Castle, whence came a "cheerful salvo of artillery." On the other hand there were heard ominous mutterings from the sailors, who appear to have expected renewed detention orders.

> God, however [says the first chronicler of Maryland], brought their plans to confusion. For that very night, a favorable but strong wind arose; and a French cutter, which had put into the same harbor with us, being forced to set sail, came near running into our pinnace. The latter, therefore, to avoid being run down, having cut away and lost an anchor, set sail without delay; and since it was dangerous to drift about in that place, made haste to get farther out to sea. And so that we might not lose sight of our pinnace, we determined to follow. Thus the designs of the sailors, who were plotting against us, were frustrated.*

On the twenty-third the voyagers were again "greeted with a cheerful salute"; this time from Hurst Castle, and they sailed past the rocks called the Needles, a terror to sailors, for the double tide of the sea at this point created a veritable English Scylla and Charybdis. Favorable winds on Saturday[27] and Sun-

*The *Ark* is described as a vessel of some 350 tons; the *Dove* as a pinnace of about 50 tons. By way of comparative illustration, the *Sarah Constant*, the *Goodspeed*, and the *Discovery* were 100, 40, and 20 tons respectively; the *Mayflower*, 180 tons. The quotations descriptive of the voyage are taken from the *Relatio Itineris* of Andrew White.

day carried the colonists out of the English Channel and beyond the Scilly Isles, sometimes called the unsubmerged portion of the land of Lyonesse. "Yet we did not hasten as much as we could have done," says the narrator, "because it was well known that many a goodly vessel had in that part of the sea fallen a victim to Turks and pirates."

After the voyagers had passed the pirate-infested waters, the first of two terrifying tempests was encountered. So severe were the beginnings of the gale that a large merchant ship which had previously outraced the colonial ships turned back for safety. As darkness wore on, the captain of the *Dove* showed two lights on the masthead, a prearranged signal indicative of imminent peril from shipwreck. All on board the larger vessel gave up the *Dove* as lost; but the latter had merely turned back and ultimately rejoined the *Ark* at Barbados.*

The *Ark,* compelled to tack continuously before a persistently contrary wind, struck an even worse tempest on the Friday following the departure from Cowes. This storm lasted two days, split the only sail the vessel was carrying, and nearly swept it overboard; also, the rudder being beyond control, the ship drifted about "like a dish in the water." The "dish" was not, however, lost; and, apparently as a reward for all that the emigrants had endured, it was stated that during the entire remainder of the trip, covering a period of some three months, there was "not one hour of bad weather, but so propitious navigation as our mariners never saw so sweet a passage.[28]

To those traveling in that more leisurely age, the passing of time appeared to mean little. Just before Christmas the voyagers arrived at the Fortunate Isles (Canaries), so called on account of the fertility of the soil in the production of fruits and vegetables. Apparently the Christmas festival was overmuch celebrated, for,

except the usual seasickness, no one was attacked by any disease until the Festival of the Nativity of our Lord. In order that the day might be better kept, wine was given out; and those who drank of it too freely were seized the next day with a fever; and of these, not long afterwards, about twelve died, among whom were two Catholics.

*Plymouth, as the return port, is suggested for the hitherto unexplained *Paumonios* (in Father White's narrative) by the Rev. Thomas Hughes, S. J.: "'*Paumonios*' I take to be a clerical misreading in the Roman office of the name of an English port—probably Plymouth."—Letter to the author, dated Instituto Biblico, Piazza Pilotta, 35, Roma, June 17, 1923.

As sustaining the view that there was a strong practical element in connection with the enterprise, the narrator goes on to say that "beyond the Fortunate Islands, Lord Leonard Calvert began to consider where he could get any merchandise to load the ship with, on its return, in order to defray the expenses" of the expedition. Consequently, after sailing some two hundred miles toward Boavista, apparently with a view to getting a cargo of salt, the course of the *Ark* was again changed, "lest provisions should fail in going so far out of our way." Therefore, they "turned aside into Barbados," reaching that island on January 3d. Here the voyagers were held off from supplies by merchants who sought to avail themselves of the supposed necessities of those who had been so long at sea. It was related that the islanders raised the prices on all foodstuffs except potatoes, which root grew in such abundance that one might "carry off whole wagon loads of it for nothing."[29]

During their stay at Barbados, the future settlers learned that had they kept on to Boavista, they would have fallen afoul of a Spanish fleet—whereupon, according to Father White's narrative, all would have "become the prey of our enemies." This last is an unpremeditated statement showing that the English Catholics were politically and racially hostile to Spain, a fact which many of their Protestant countrymen did not appreciate, the desperation or violence of a few giving an unhappy reputation to the majority. The statement offers additional evidence that, regardless of declarations of war between the governments, the sailors and adventurers of the rival European maritime nations fell to fighting on sight when they had any reason to believe a rival group were operating in the neighborhood of colonial possessions claimed by their respective countries.

From Barbados, which they left on January 24th, the Maryland emigrants journeyed leisurely to one "Carribee" island after another, visiting in turn Matalina [Martinique], Nevis, and St. Christopher's. The first historian of Maryland does not say when the emigrants set sail from St. Christopher's; but in Leonard Calvert's letter to Sir Richard Lechford in May, 1634, we find that they stayed "some tenne days" at St. Christopher's "to take in a new supply of water and shift our ship for the second part of our voyage."[30]

From this place [continues the *Relation*], we came to Virginia February the 27th. Much contrary to my Lord's instructions, we expected here every hour to be stayed by the Council, desiring nothing more than our ruin.

However, the narrator adds:

After being kindly treated for eight or nine days, we set sail on the third of March, and entering the Bay of Chesapeake, we turned our course to the north to reach the Potomac River.

On March 5th the emigrants were lost in wonder over the expanse of the bay and the mouth of its greatest estuary, by the side of which "the Thames is a mere rivulet." The banks, wrote our chronicler, were not disfigured by swamps, but showed firm land on either side; where "Fine groves of trees appear, not choked with briers or bushes and undergrowth, but growing at intervals as if planted by the hand of man, so that you can drive a four-horse carriage, wherever you choose, through the midst of the trees," a descriptive passage almost identical with that of the primeval forest left us by settlers at Jamestown. Proceeding slowly up the river, the *Ark* and the *Dove* came to anchor off an island which was named St. Clement's, approximately thirty-one miles from the mouth of the Potomac River.[31] Before any attempts at settlement, however, Governor Calvert was constrained to look up the "naturals" with whom he might make treaties and from whom he might purchase land for immediate settlement; and it is worthy of special note that, in British America, this attitude toward the natives established a precedent in recognition of their claims to the lands occupied by them.*[32]

In so doing, Governor Calvert was following the instructions of Lord Baltimore. Consequently, leaving the larger part of the colonists on board the *Ark,* with a "court of guard" on land to protect the prospective settlers at work in building a barge and preparing defenses, the Governor took the *Dove,* with another pinnace procured in Virginia, and set out to find the Indian chiefs. He ascended the river as high as Pascataway, about opposite the present site of Mount Vernon. The natives were alarmed and inclined to be hostile; but Governor Calvert had the invalu-

*William Claiborne appears to have purchased land for settlement; but his act did not represent the policy of a government, merely the action, perhaps in some respects, the precedent of an individual. *Cf,* p. 49, *infra.*

able assistance, as interpreter, of Captain Henry Fleet, a trader from the Virginia colony. The Emperor of Pascataway was pleased with the visitors and graciously gave them permission to dwell wheresoever they chose "in his dominions."*

Upon the return of this expedition, it was natural for Father White to lay great stress upon the celebration of the feast of the Annunciation, on March 25th, the first day of the year, old style. Mass, says the *Relation,* was celebrated and

> We took upon our shoulders a great cross, which we had hewn out of a tree, and advancing in order to the appointed place, with the assistance of the Governor and his associates and the other Catholics, we erected a trophy to Christ the Saviour, humbly reciting, on our bended knees, the Litanies of the Sacred Cross with great emotion.

All accounts of the beginnings of Maryland are based very largely on the *Relatio Itineris.* For this reason, considerable confusion has resulted from frequent overemphasis upon this particular ceremonial. Almost invariably, anniversary orators have mentioned the incident as if it were an official act upon the first landing; whereas this ecclesiastical ceremonial took place several days after the little flotilla had anchored off St. Clement's Island. Again, because of the natural participation of the Governor, the impression is created that the ceremonial was part and parcel of the civil administration. If this were correct, it may be said that nothing would have been more distinctly contrary to the expressed purpose of Lord Baltimore, who had given the most precise instructions that no communion or group should obtrude their religious views as the official expression of the colony, and that the ceremonials of the church—any church —should be a thing apart from civil ceremonies. It is essential, therefore, that this great purpose of Cecil Calvert should be borne in mind, if we are to understand and appreciate the original character of the policies of the founder of the Province. The Proprietary's instructions against the obtrusion of religious forms, or even the discussion of them, will be taken up later. The point to be kept clear and distinct is the determination of Lord Baltimore to disestablish the Church. Already Virginia

*In the current narratives, native chiefs (*werowances* or *tayacks*) of prominence were "Emperors" and the lesser ones "Kings" or "Princes." Governor Calvert had been informed that "many Princes were subject to the Emperor of Pascataway"—*Relatio Itineris.*

and Massachusetts had united the functions of Church and State, one as of the Anglican communion, the other as of the Puritan form of faith. Lord Baltimore, on the contrary, did not seek to establish a Roman Catholic Maryland; it was his most earnest endeavor to found and maintain a settlement open to all communions on equal terms.

Two days after this religious ceremonial, Captain Fleet led Governor Calvert and an advance detachment of colonists to "a spot so charming in its situation that Europe can scarcely show one to surpass it." To reach this point the colonists retraced their steps to the stream they called the St. Mary's River, from the mouth of which to the site selected for settlement was approximately six miles. Here a treaty or agreement was made with the King of the Yaocomicoes to take over for immediate settlement some thirty miles of territory, for which the settlers offered in exchange axes, hatchets, hoes, rakes, and cloth, for the improvement of the practice of husbandry, toward which these particular Indians were more kindly disposed than their kindred in places less favored by nature. Here, on the twenty-seventh of March, 1634, began the actual settlement of the Palatinate of Maryland under the auspices of Lord Baltimore.

In order to appreciate the situation that faced the first colonists and the events that shortly followed settlement, it will be necessary to present a brief summary of the formal "instructions" of the Founder and his other provisions for the safety and welfare of the Province. In these instructions to the colonists Cecil Calvert sought to help them avoid the mistakes of the earlier settlements, whilst offering suggestions and regulations which he thought most likely to promote the civil and social welfare of the people. Hence, the provisions of the Maryland Charter as to private ownership of property were distinctly reaffirmed by Cecil Calvert; that the settlers "may reap the fruits of their charges and labors." The fevers and chills that decimated the immigrants at Jamestown were to be avoided by finding in Maryland a place for settlement which should be healthful and fruitful; furthermore, the town was not to be built up in haphazard fashion, but laid out in streets according to a definite plan. Calvert further directed that the colonists should see to it that plenty of corn "and other provision of victual" should be planted, lest too much attention be given to the more profita-

ble raising of tobacco, with the consequent lack of grain and other foodstuff, as had happened in Virginia.

From the start, the settlers at Jamestown had had much trouble with the Indians; and the colony had almost been wiped out in the terrible house-to-house massacre of 1622, only eleven years before the sailing of the *Ark* and the *Dove*. The Virginians had vowed unlimited vengeance, and only time and the increasing demand for the trophies of the chase in matters of trade had brought about some appearance of peace between the races. The wily Opechancanough still lived. He had been the moving spirit in the bloody work of April, 1622; and doubtless he was even then considering his second descent in the decade following the founding of Maryland. Facing these conditions, and realizing that the Indian had cause for grievance in the overrunning of his hunting grounds, Calvert issued, as an important part of his instructions, distinct orders that the natives were to be placated and a site for settlement secured from them by treaty and purchase.

The Virginians, also, were to be carefully watched, whilst friendly overtures were made. There were the claims of William Claiborne to be considered: not only had he established himself in the upper Chesapeake, but a Burgess sat in the Virginia Assembly whose constituency, according to his title, included York County[33] and Kent Island. At Jamestown, Harvey, the royal Governor, and his close associates were friendly to Calvert; but there were not a few in Virginia who did not regard with favor the establishment of this strangely viceregal government near by, under the direction of a Roman Catholic peer. To religious and popular objections there was added the powerful commercial one of competition, not only in the matter of the ownership of land, but also with respect to the possible absorption of the fur trade to the north. Rumors that Lord Baltimore, a favorite of Charles I, who had "grievously taxed" their tobacco, "having now got a large part of Virginia," would seek to control all of it, did not help to promote friendly feelings toward the new neighbors across the Potomac.*

With regard to all these real or potential foes, Lord Balti-

*These rumors were not so far afield, after all, when it is seen that Lord Baltimore subsequently sought the governorship of the older dominion.

more directed the colonists to be prepared for any emergency: against Indian massacre, Spanish attacks, irruptions from Virginia to the south, or aggressions from New Netherland at the north. To this end a fort was immediately to be constructed and universal military training put into effect. Not only did Cecil Calvert attempt to provide against the recurrence in Maryland of the mistakes that had arisen through inexperience in Virginia and Massachusetts, but he sought to provide against contingencies that, because of his peculiar plan, he had special cause to fear in his province. Uppermost in his mind was the fear of trouble from religious dissension. The most important portion of the instructions given out by Lord Baltimore was set forth as follows:

Imprimis: His Lordship requires his said Governor and Commissioners that in their voyage to Mary Land they be very careful to preserve unity and peace amongst all the passengers on Shipboard, and that they suffer no scandal nor offence to be given to any of the Protestants, whereby any just complaint may hereafter be made, by them, in Virginia or in England, and that for that end, they cause all Acts of Roman Catholic Religion to be done as privately as may be, and that they instruct all the Roman Catholics to be silent upon all occasions of discourse concerning matters of Religion; and that the said Governor and Commissioners treat the Protestants with as much mildness and favor as Justice will permit. And this to be observed at Land as well as at Sea.*

Here the plan of Lord Baltimore is revealed in language that is too clear to be misinterpreted. Furthermore, he made it plain that the "calling" of the names of the various denominations was not to be done, if it were done uncharitably. Years afterward, George Alsop, writing of conditions and customs in the Province, remarked, evidently in pleased astonishment:

Here, all Inquisitions, Martyrdom, and Banishments are not so much as named. The several Opinions and Sects that lodge within this Government, meet not together in mutinous contempts.

*See pp. 21–22.

CHAPTER II

The First Years

The study of past controversies, of which the final outcome is known, destroys the spirit of prejudice.—George Macaulay Trevelyan.

In describing the site of St. Mary's City, Leonard Calvert wrote to his brother:

> We have seated ourselves within one-half mile of the river, within a palisade of one hundred and twenty yards square, with four flanks. We have mounted one piece of ordnance and placed six murderers in parts most convenient, a fortification (we think) sufficient to defend against any such weak enemies as we have reason to expect here.[1]

Protection from attack was Governor Calvert's first care. His report then turns to prospects of profit from the fur trade. Since competition in trade has ever been a fruitful source of discord, it would have caused no little disquiet in Virginia if the colonists there had had opportunity to read the Governor's confident and confidential expectation of shutting out the Virginians from this profitable barter in the products of the chase; for of them he says significantly: "After the next year, they shall come no more."

In the elder colony, the first greeting from the Indians to the settlers had been a shower of arrows. In Maryland, the first settlers were fortunate in having a situation at St. Mary's almost made to hand. The Yaocomico Indians had been suffering so greatly from the raids of the more warlike Susquehannocks that they were making preparations to leave their homes. They were, therefore, glad to dispose, at some profit to themselves, of property they were about to abandon; and, at the same time, gain an ally against their foes. Furthermore, the Yaocomicoes had made such progress in agriculture that they were not so dependent upon the hunt. They were more like the peaceful Indians of the lower Eastern Shore, who lived so happily in that favored region that they had largely forgotten the

craft of war; in fact, their chieftain, Debedeavon, had become known to the Virginians as "the laughing king." Consequently, the Yaocomicoes readily agreed to share dwellings and crops with the newcomers whilst they were moving out and the latter moving in. It was soon reported by Father White that the Indians "move away every day, first one party and then another; and leave us their houses, lands, and cultivated fields." In the meantime the English were teaching the natives how to use the white man's implements of husbandry, whereby they could raise better crops with less effort.

The Indians, in their turn, gave the colonists instructions in hunting game and in catching fish. The Indian women showed an active and friendly interest in instructing their pale-face sisters in the best way to prepare corn pone and hominy and other native foods. Subsequently, Indians and Englishmen succeeded in raising so large a crop of corn that the *Dove* set out with a full cargo to New England, following a precedent established by the Virginians, who, in 1622, had sent a ship load of grain to Plymouth, relieving thereby a serious "starving time" and possibly saving that colony from extinction. The Maryland corn was welcomed by the New Englanders, but the Marylanders had to deal with the Massachusetts Bay Puritans rather than with the more liberal Plymouth Separatists. The Puritans could barely tolerate even the appearance of a vessel from the so-called "Papist" colony to the south, and on various charges they sought to arrest the supercargo.

The first dealings of the Maryland colonists with the natives point to the removal of suspicion and the establishment of harmony, together with the conversion of some of the "naturals" to Christianity. There is evidence also of an effort to introduce European customs and clothing among the natives, together with endeavors on the part of some of the colonists to educate Indian boys and girls. No doubt many practical colonists and equally thrifty housewives looked to the natives for help or service in the field or in the home, but in this expectation they were doomed to disappointment.

This friendliness with the near-by Yaocomico and Pascataway tribes meant either an overawing protection extended to them against the Susquehannocks, or else open war with the latter. With the more distant Indians there came a period of

distrust, suspicion, and intermittent warfare, with murders or abductions of unprotected settlers, met by repressive measures on the part of the colonists; but the story of these troubles belongs to a later period. It is proper here, however, to bring out the fact that even when supported by the best of intentions, the European's judgment as to justice not infrequently clashed with the simple ideas inherent in the breast of the untutored savage. A remarkably apt illustration of this difference of viewpoint is preserved for us in *The Relation of Maryland*:[2]

It happened the last year [1634] that some of the Susquehannocks and the Wicomesses (who are enemies) met at the Island of Monoponson,* where Captain Claiborne liveth. They all came to trade, and one of the Susquehannocks did an injury to a Wicomesse, whereat some of Claiborne's people that saw it, did laugh. The Wicomesses seeing themselves thus injured and despised (as they thought) went away, and lay in ambush for the return of the Susquehannocks, and killed five of them; only two escaped: and then they returned again, and killed three of Claiborne's people, and some of his cattle. About two months after this was done, the Wicomesses sent a messenger unto his Lordship's Governor, to excuse the fact, and to offer satisfaction for the harm that was done to the English. The Wicomesse that came with the message, brought in his company an Indian, of the town of Patuxent, which is the next neighboring town unto the English at St. Mary's, with whom they have good correspondence, and he spake to the Governor in this manner:

"I am a native of Patuxent, as this man (whom you know) can tell you; true it is, I married a wife amongst the Wicomesses, where I have lived ever since, and they have sent me to tell you, that they are sorry for the harm which was lately done by some of their people, to the English at Monoponson; and hope you will not make the rash act of a few young men (which was done in heat) a quarrel to their Nation, who desire to live in peace and love with you, and are ready to make satisfaction for the injury, desiring to know what will give you content, and that they will return such things as were then taken from thence. But withal, they desire you not to think that they do this for fear, for they have wars with the Susquehannocks, who have by a surprise, lately killed many of their men. They would not sue to them for peace, intending to revenge the injuries, as they could find opportunity; yet their desire was to have peace with the English."

The Governor returned answer to the Wicomesse:

"Since you acknowledge the injury, and are sorry for it, and only desire to know what I expect for satisfaction; I tell you I expect that those men, who have done this outrage, should be delivered unto me, to do with them as I shall think fit, and likewise that you restore all such things as you then took from the English"; and withal, charged him with a second injury attempted upon some of his own people, since that time, by the Wicomesses.

The Wicomesse, after a little pause, replied:

"It is the manner amongst us Indians, that if any such like accident happen, we do redeem the life of a man that is so slain, with a 100 arm's length of roanoke (which is a sort of beads that they make, and use for money) and since that you are here strangers, and come into our country, you should

*Kent Island.

Cecil Calvert, Second Lord Baltimore, founder of the Palatinate or Province of Maryland. After painting by Zoest

rather conform yourselves to the customs of our country, than impose yours upon us."

With fortifications planned and completed against possible attack; with outlying lands laid out into manorial estates and farm tracts; with gardens made and planted and crops gathered from both English and native American seeds; with the beginnings of a profitable trade in beaver skins and other such products of the chase brought in by the Northern Indians; and with few or no religious dissensions, a period of peace and plenty had set in unlike any that had previously obtained among European settlers in the New World. There were no persecutions; neither was there any selfish exploitation of the natives nor unjust seizure of land; Protestant and Catholic lived together under conditions that were, for that age, millennial. For this happy status, credit must be given to the Proprietary, regardless of his motives; to a Catholic council of control; and last, but not least, to a majority of Protestant freemen. For it appears that the greater part of all concerned were well content to live and let live. Exceptions there were; in their respective communions there were militant and intolerant souls; these but served to test the general rule, not to do away with it.

In the Old World, with rare exceptions, the masses of the people were, in matters of direction or of government, a negligible factor. So it was in the New World—wherever Spanish, Portuguese, and French settlements had been made. Even the Dutch, despite their comparatively liberal home government, established a sort of feudal aristocracy in the patroon system of New Netherland. Such, however, was not the case in the Anglo-American colonies. In them the settlers would not acknowledge, or long submit to, dictation from afar under any system, whether it were royal, proprietary, or charter government. The *people* had to be reckoned with in all the thirteen English colonies, even though, in all of the colonies, for most of the time, the franchise was greatly limited.*

Lord Baltimore was neither as autocratically inclined as

*It may be objected that the Puritan leaders of Massachusetts Bay established a severely restricted politico-religious aristocracy. Governor Winthrop stoutly maintained that, "The best part of a community is always the least; and of that best part, the wiser part is always the lesser."—*Cf.* J. T. Adams, *The Beginnings of New England.*

Governor Winthrop of Massachusetts nor yet so sweepingly scornful of the people as Alexander Hamilton of a much later day; nevertheless, both George and Cecil Calvert sincerely held that it was much better for the Proprietary, with his superior wisdom and experience, to initiate legislation, than to have such matters proposed and handled in more or less irresponsible fashion by popular "factions." They felt that the masses of the people were much less likely to know what was good for them than the Lord Proprietor and his deputies, who were interested in the welfare of the entire Province from an executive as well as an ethical point of view. Furthermore, up to that time, experience had seemed to prove conclusively that the people could not be trusted to maintain a strong or stable government.

From the beginning, however, the Maryland colonists thought one thing was fundamental and essential, and that was the directing of legislation by their chosen representatives, and the establishment of local self-government. Unhappily, we do not know what body of laws they insisted upon initiating in the first session of their colonial parliament in 1635; and, more unhappily yet, we may scarcely hope to ascertain what debates took place, or how, and between whom, as to the establishment of legislative control in the people. The records of this Assembly, as well as those of the one immediately following, are lost. It is certain that this first Assembly proposed and passed a number of laws for the management and welfare of the colony and that these laws were referred by Governor Calvert to his brother in England. Lord Baltimore appears to have approved of the laws but to have objected to colonial initiation as a procedure contrary to the terms of the Maryland Charter. After considerable correspondence lasting over several time-consuming transatlantic voyages, he directed Leonard to call another Assembly for January, 1638. By that time, approximately three years had elapsed since the first Assembly; but, whether the proposed legislation was properly authorized or not, an enlightened public opinion, together with the delegated authority of the Governor, had maintained order. Also, it may be added that by tacit consent English common law prevailed throughout the Province.

In this connection, it is important to bear in mind the character of the first Assembly of the Province. In accordance with the

charter, every freeman was given the right to take his equal part in making the laws. Thus the Assembly, as far as the freemen were concerned, constituted a "pure democracy," the practice of which is possible only in a small community. Provision was made for the freemen to vote by proxy in case of inability to attend the sessions of the Assembly. In the first Assembly of 1635, attendance was general; at the time of the second Assembly, settlement had been extended, and many of the planters could not or did not attend; so we learn that Secretary John Lewger held and voted twelve proxies.*

Notice of the Assembly of 1638 was sent out by Governor Calvert with directions to the freemen that they, "all excuses set apart," were to repair in person "to the fort of St. Mary's." The Governor was directed "to endeavor to persuade" the colonists to attend, "or otherwise to elect and nominate such and so many persons, as they or the major part of them, so assembled, shall agree upon, to be deputies or burgesses for the said freemen, in their name and stead." The latter clauses prepared the way for the representative principle in lieu of the active participation of all the freemen.

Governor Calvert took the chair as speaker of the Assembly, while the freemen, as individuals or as representatives, sat under him in a unicameral House, in the body of which sat also the Provincial Council, then consisting of Secretary John Lewger, Jerome Hawley, and Captain Thomas Cornwallis. With the possible exception of the semiautonomous Plymouth settlement, this was the most "popular" or democratic assembly sitting in America at that time. In the plan of action as proposed by the Proprietary, however, its powers were limited. This limitation lay in the matter of the initiation of legislation, which the Assembly itself had resolutely determined to remove.

One of the first important motions put before the Assembly was the presentation of Lord Baltimore's code or system of laws, which he had framed in lieu of those set forth by the first Assembly in 1635. The latter had been rejected by Lord Balti-

*The first Assembly had consisted of Leonard Calvert, Lieutenant General, as chief executive, and all the freemen of the Province. In 1638, the Jesuit priests, Fathers White, Altham, and Copley, were formally excused from attendance at the session; for attendance either in person or by deputy had been made compulsory. For the origin of the difficulties leading to the exclusion of ecclesiastics from the legislative body, see *infra*.

more for the reasons above given rather than because he disapproved of them, since it appears that many of the laws returned by the Proprietary were identical with those proposed previously by the colonists; and he even framed some of them to read more favorably to the colonists than in the form presented by the freemen. Under such circumstances, it would have been easy for the colonists to acquiesce, and order would have been at once secured. But the perceptions of free Englishmen in the persons of the first settlers were as keenly developed as the more experienced reasoning of the colonists of the decade just before the Revolution. By way of analogy, the tea tax of revolutionary times represented a concession, in the matter of its cost, to the American consumer; nevertheless, in each case, a governmental principle was involved; and it was on behalf of this principle that Anglo-American colonists were willing to stake their all. They were not always acting in resistance to established tyranny, but frequently to prevent the creation of precedents that might lead to tyranny.*

The story of legislative development in Maryland might be pursued from this point to the creation of the representative system and the two-chambered Assembly, followed by the encroachment of the executive upon the powers of the legislature and the subsequent readjustment. This, however, would be anticipating the course of events in order to offer a special treatise on government. Suffice it to say here that the Assembly of 1638 passed some twoscore bills that were formally initiated by the freemen, even though they, at times, exactly followed the laws suggested by the Proprietary. Lord Baltimore yielded the lawmaking prerogative in August, 1638. Thereafter, the Proprietary had to be content with the exercise of the veto power, a point not disputed by the settlers. The Governor of the Province—in this case, the Proprietary's brother—was authorized to agree to such laws as were deemed proper or necessary to the welfare of the colony, until the Proprietary's wishes could be ascertained.†

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*When it was "put to the question" whether the laws proposed by Lord Baltimore should be received, the same were approved by Governor Calvert and Secretary Lewger, "who counted *by proxies* fourteen voices." They were rejected "by all the rest of the Assembly, being thirty-seven voices."

†At a later period, considered in the following chapter, Baltimore attempted to reassert the prerogative of proposing legislation.

The rules and regulations established by this Assembly are of special interest and bear out what has been said as to following English procedure in some respects, recent Virginia colonial precedent in others, and the establishment of new regulations adapted to American conditions. In purely technical proceedings English precedents were closely followed. For example, in the first half of the Seventeenth Century the British Parliament was accustomed to meet at eight in the morning and to rise at noon. In this, regardless of any possible lack of warrant in local conditions, the Maryland Parliament followed suit:

> Item: The House shall sit every day at eight o'clock in the morning and at two in the afternoon.

It was further declared that a quorum for the transaction of business should be "any number above ten." For orderly procedure, it was provided that,

> Every one, propounding any matters to the House, shall digest it first into writing, and deliver it to the Secretary, to be read unto the House.

In the matter of the wearing of hats by the members in session, English custom was followed; for this "item" in the Journal followed:

> Every one that is to speak to any matter shall stand up, and be uncovered, and direct his speech to the lieutenant general, as president of the assembly; and if two or more stand up to speak together, the lieutenant general shall appoint which shall speak.

Precedents for safeguarding the freedom of the assemblymen by granting them immunity from arrest were greatly broadened by this second legislative body, when the motion was passed that even those freemen who had given their proxies to others were not to be subjected to detention or confinement "until a convenient space of time after the dissolution of the said Assembly, for their repair home." This legislative exemption probably meant just what it meant in England. No privilege of the British Parliament was allowed to exempt members of either house from arrest in matters of criminal offense. In this case "warrants" had been issued against some of the freemen of the Province, probably for occasions involving civil action. Unhappily, we have no record of the Maryland law, but the Vir-

ginia House of Burgesses, at its third session in 1624, had passed a probable prototype to the Maryland act, which read:

> That no burgess of the general assembly should be arrested during the sitting of the assembly, and a week before and a week after, upon pain of the creditor's forfeiting his debt, and such punishment upon the officer as the court should award.

A few days after the Assembly of 1638 had adjourned, courts of justice were held in accordance with the provisions of that body. As Bozman expresses it, the proceedings "appeared to have been in exact conformity to those laws." A court was held, with the Governor, Secretary Lewger, and Robert Wintour presiding; and a grand jury was impaneled, which found true bills against Captain William Claiborne and other disturbers of the peace for piracy and murder. At the same time, other courts were organized and held sessions, such as a court to hear and pass upon all "testamentary causes," *i. e.,* matters of will and inheritance. This, it may be noted, was conducted by the Governor and his council. Probably such matters were, at that time, naturally assumed by or willingly left to men of rank or position as those best acquainted with legal lore and custom. It may here be observed, however, that it was not long before the Anglo-American colonists became peculiarly skilled in the interpretation of laws and their application.

Before taking up the William Claiborne controversy, which represented the most important political and provincial problem that faced the new colony, it is in order to review the relations between the royal Governor of Virginia and the proprietary government of Maryland. Besides the friendly helpfulness that the Governor and Council of Virginia had shown the emigrants on their appearance in the bay, together with the valuable assistance of Captain Fleet, explorer, trader, and interpreter, Governor John Harvey took an early opportunity to visit St. Mary's city. Thus ensued, in April, 1634, the first meeting between English colonial governors in North America. The occasion was a notable one, and one governor or the other, presumably Calvert, suggested that the opportunity be seized to entertain the near-by Indian chiefs. One of these was the werowance of Patuxent, whom they seated in the "great Cabin of the ship" between the Governors of Maryland and Virginia.[3]

This particular Emperor, however, had once been a prisoner of the English, and when one of his warriors came aboard and saw the situation he promptly prepared to leap overboard to spread the alarm among his countrymen that their leader was again a captive. But says the *Relation,* the werowance came out of the cabin and assured his subject that all was well. Finally, so pleased was the native chief with the food, drink, and social entertainment accorded him that he was subsequently credited with saying:

> I love the English so well, that if they should go about to kill me, if I had but so much breath as to speak, I would command the people not to revenge my death; for I know they would not do such a thing except it were through mine own default.

After the simple ceremonies which had accompanied the purchase of the site for settlement at St. Mary's, on March 27th,[4] the day that marks the establishment of the Province, the first notable civil event of the new plantation occurred on the occasion of this visit of the Governor of Virginia. The adventurers had then completed the fort and storehouse, had "unladed" the *Ark,* and had also prepared for sufficient living accommodations on land. Consequently, with a grand firing of musketry on shore, answered by ordnance from the ships, the Baltimore-Maryland colors were officially flown at St. Mary's for the first time in the presence of visitors. Sundry Indian chiefs were guests and onlookers, and all were impressed with the display of English power, probably as never before in America; so much so, in fact, that the *Relation* records, to the evident satisfaction of the narrator, that the werowance of Patuxent advised the werowance of Yaocomico and his fellow naturals that they should take good care to keep the covenant they had made with the visitors.

Doubtless this was the first civil occasion of any note on American shores which lacked the accompaniment of a formal religious ceremonial or atmosphere. Under the circumstances, it could not very well be otherwise; and, in any event, it must have been exactly as Lord Baltimore would have wished it. The scriptural text enjoining private devotion was certainly best calculated to promote the welfare of all concerned in accustoming his colonists to the new conception of the separation of the affairs of Church and State. This must not be interpreted to

mean that Cecil Calvert was indifferent to religion; on the contrary, he evidently was a devout and faithful member of his Church. Also, Lord Baltimore sanctioned the active spread of the Christian religion in the New World, under the auspices, not of the State, but of the Church. And it is generally overlooked that his first advertisement, or Declaration, of Maryland spoke glowingly of the usufructs of Christian enterprise, limited, however—and herein lies its unusual if not unique feature—*to no particular form of faith.* The Declaration spoke in equal praise of the rumored regeneration of the "salvages" in Anglican Virginia, and of the "infants brought to [Puritan] New England, to be washed in the saving waters."

It is difficult to follow all the early religious experiences of the colony. Father White records that the first chapel dedicated to Catholic forms of worship was the wigwam of a departing Indian chief. He was soon writing glowing letters to the General of the Jesuits, describing great progress in converting the natives; and he also records considerable success in securing new communicants from the non-Catholic element in the Province. But proselyting afforded offense, in time; the more distant Indians became actively hostile; and conflict came with the Proprietary because of civil disagreements over considerable tracts of land deeded to the Jesuits by some of their Indian converts —prior to the Ingle-Puritan régime. As for the Protestants, there is evidence of not a little lay instruction, but the Anglican sheep lacked shepherds. The people constructed a chapel, but it was undedicated, according to ecclesiastical custom. Here they went to worship and to read aloud such volumes of sermons as could be found in the settlement;[5] and it seems that within the walls of this chapel were held the first union services in America.

We are now come to a consideration of political and military happenings which had been seriously threatening the very existence of the colony during the years when the freemen of the General Assembly were contending for the legislative privileges which they considered necessary to insure their rights and future welfare. As previously set forth, there was in the Maryland Charter an apparently insignificant phrase providing for a general assembly of all the freemen of the Province. There was another even less conspicuous phrase in the same instrument

which gave rise to the most serious complications—complications which assailed the new Province both from within and without. This phrase was, in the original Latin of the Charter, composed of but two words, *hactenus inculta.* Charles I had granted to Lord Baltimore the territory within the prescribed bounds that had *not been hitherto cultivated* or settled. In this way Charles hoped to meet the objections raised by Virginians and by others who had been interested in the development of the first colony. These objectors argued that the proposed grant of Maryland was even nearer than the location the Virginia Company had originally allotted to the Separatists; in other words, these exiles were not to have settled in territory immediately contiguous to the plantation at Jamestown, whereas the proposed colony of Maryland was adjoining or infringing upon lands already occupied.

Financed largely by Cloberry and Company, of London, Captain William Claiborne, Secretary of the Virginia Colony, had established a trading station on Kent Island which had grown into a plantation of about one hundred souls. This settlement, with houses and other buildings that were first constructed, destroyed by fire, and then renewed, was definitely begun in 1631, approximately three years before the landing of the *Ark* and the *Dove.**

It has been intimated that Claiborne had deliberately planned to forestall Baltimore by occupying some of the territory sought by the latter before he could secure a charter. This is denied by Claiborne partisans; but granting that he did hurry the starting of the enterprise, such an accusation is hardly to be held against him. Charges of ill-behavior may be sustained principally in the way he carried out his plans and in his relations to those con-

*At the time Leonard Calvert "reduced" the Island in 1638, he reported some one hundred and twenty men capable of bearing arms. This Claiborne enterprise has been called a "trading post" or "factory," with outlying stations on Palmer's Island and other near-by points. "Factory" or "trading post" are terms used exclusively by many historians to enforce the technical distinction between what is alleged to be a privately conducted fur-trade enterprise and an authorized "settlement" or "plantation." To some Maryland historians, either of the latter terms would appear to concede too much to Claiborne or, perhaps, to the colony of Virginia. It would seem to concede the mooted point of "previous cultivation." This carefulness may or may not be necessary; the contending claims are not wholly contradictory; for it seems that what was legally, or royally, authorized as a trading post, did, in fact, become a kind of settlement or "plantation"; and it was actually so called by Lord Baltimore himself in his instructions to Governor Calvert.

cerned. From the *Cloberry Papers,*[6] it would appear that Claiborne used a commercial appeal while in conference with the English merchants, even to the point of assuring them that he had no intention of clashing with royal purposes in regard to the contemplated Baltimore grant or any other. With the Virginians, or some of them, at least, he emphasized patriotic or moral (religious) grounds for action. With the Indians he may, as charged by his opponents, have gone further; he may, in his bitter disappointment over the loss of Kent Island, have misrepresented his fellow countrymen and urged hostilities against them. There is, however, a quantity of testimony in refutation of this last accusation. As to the control of his settlement apparently there was no compromise to which Claiborne would listen. He would win by plea or by diplomacy; and failing in those, by armed force, even if he had to challenge the British Crown in its authorized representatives. Rightly or wrongly, he contended for his cause to the end; for, after the lapse of forty years and the rise to power of five régimes in England a final message from his deathbed, prepared for Charles II, was a statement concerning the alleged violation of his rights.

Claiborne's claims may be said to have been, in part at least, the prototype of the American doctrine which, two hundred years later, became famous as "squatter sovereignty." It seems essential to review this controversy with a more careful effort to make fundamental issues stand out in greater clearness, whilst laying less emphasis upon the actual fighting and the kaleidoscopic changes in provincial affairs. It is partly because of these changes and the petty warfare which ensued that early Maryland history has generally held a forbidding aspect to would-be readers, to whom, in the words of one of them, it has seemed that what happened was "bad enough, but that the accustomed accounts make it appear as confusion worse confounded." Nevertheless, while the details of this warfare, *per se,* are of little worth, the general principles concerned embrace every question or problem that confronted the settlement, including religious, social, legal, economic, and political matters, together with the ultimate disposition of an important part of the Atlantic seaboard.

George Calvert had known of the opposition of certain Virginia colonists to his enterprise. He had, because of their objec-

tions, changed his original plans for settlement south of the James; and, in conscious or unconscious competition with the redoubtable Claiborne, he had directed his energies and greater influence with the King to securing a grant of the upper Chesapeake region. The colonists of Virginia, supported by many of the founders or promoters in England, declared that the Virginia Charter gave that plantation claim to the North American continent up to the bounds of New England. Against this claim, it was asserted that James I had, in 1624, dissolved the Company to which the Charter had been granted; that Lord Baltimore was one of those appointed to wind up its affairs; and that, therefore, the Company being dissolved, the land, originally granted by the King, had reverted to the Crown, to be disposed of as James I or his successors saw fit. It was further asserted that the King could dispose or redispose of land already settled.

John Harvey, Governor of Virginia, was an appointee of Charles I, and was well disposed toward the plans of Lord Baltimore. Claiborne was, at first, comparatively little known at Court; but he had interested merchants in London and colonists in Virginia. He had also secured a patent for trading purposes, which, it appears, was intended by him to include the actual founding of a settlement. Consequently, he purchased Kent Island from the Indians, built houses, and cultivated the soil with a view to extending English colonization under the laws and jurisdiction of Virginia. When Charles I gave assent to the charter of Maryland, it is possible that he did not connect the Claiborne-Virginia "plantation" at Kent Island with its actual location in the newly bestowed Province; for example, the royal ideas of geography were sadly confused in certain New England patents; and disputes arising therefrom involved the New England colonies in no little litigation. Kent Island had that very year a duly accredited delegate in the legislature assembled at Jamestown. This delegate was Nicholas Martiau, owner of the land upon which Lord Cornwallis was destined to surrender his sword to Martiau's descendant, General George Washington.[7]

According to Claiborne, the phrase *hactenus inculta* covered his position and not only made his claim good in his name but in the name of the colony of Virginia. On the other hand, if this

were admitted, Lord Baltimore's title to part or all of his province would be invalidated; at best, it would be dangerous to his interests to have far up in his domain independent personal and proprietary interests trading with the natives or carrying on rival industries. Lord Baltimore denied Claiborne's claim to ownership of any part of the soil which had been bestowed upon himself by royal grant. He offered, however, to let Claiborne and his settlers remain and trade in peace, on condition that allegiance be given to himself as overlord.

Prior to the sailing of the *Ark* and the *Dove,* the Virginians, including Captain Claiborne, had registered formal protest to the Maryland enterprise. The matter was referred to the Court of the Star Chamber, July 3, 1633, and it was decided to "leave Lord Baltimore to his Charter, and the other parties to the course of the law." This decision did not definitely pass upon Claiborne's claim as to prior settlement. Immediately, Claiborne and his associates petitioned the Lords Commissioners for protection of their interests. The first petition submitted was that of "Sir John Wolstenholme, Knight, and other planters, with Captain William Claiborne of Virginia," alleging that they had established a settlement on the island at great expense. The petitioners added:

> We beseech your Honors that it may not be taken from them but that they may have your Lordship's order to enjoy the same with freedom of trade without any interruption, and that the said Lord Baltimore may settle in some other place.[8]

This petition was presented in November, 1633, the very month Baltimore's expedition set out for America.

In the meantime, Cecil Calvert had proceeded as rapidly as possible with his father's plan under the designated grant. Recognizing the desirability of conciliating Claiborne, he directed his brother Leonard, as governor of the projected Province, to arrange for an interview upon his first landing in Virginia. Leonard was instructed to tell Claiborne that Baltimore knew of his having "settled a plantation" within the bounds of the Maryland grant, and that he was "willing to give him all the encouragement he could to proceed." Baltimore significantly added that Cloberry and Company, Claiborne's financial backers in London, had asked for the island for their use; that they

had, in so doing, spoken slightingly of Claiborne's interest; and that to their request, Lord Baltimore, out of consideration for his American neighbor, had given no answer but had "deferred the matter until he could come to an understanding with Captain Claiborne."

There is every reason to believe that no trouble would have ensued between the high contending parties had Captain Claiborne submitted to Lord Baltimore's claim of overlordship. Judging by his fair dealings with others Baltimore would have lived up to his promises, and the venture would have been mutually profitable; but, from Claiborne's standpoint, a position of independence was one thing and one of dependence one altogether different. Besides, the Virginia settlers were contending not only against immediate infringement of their rights, but what they considered a menace to their corporate existence. Claiborne, as a second son, had no high ranking in his own name, but he came of proud Norman stock in Yorkshire that had long antedated that of the Calverts.[9] Furthermore, had Claiborne been willing to yield, he would have been accounted a craven by many of his associates in Virginia, who were "hot against" Governor Harvey and the newly proposed royal restrictions as to monopolies and taxation. When Claiborne submitted Baltimore's message to the Virginia Council on March 14, 1634, he asked the advice of that body as to what he should do in the matter. Thereupon,

> It was answered by the Board, that they wondered why there should be any such question made. That they knew no reason why they should render up the rights of that place of the Isle of Kent more than any other formerly given to the Colony by His Majesty's Patent; that, the right of my Lord's grant being yet undetermined in England, we are bound in duty and by our oaths to maintain the rights and privileges of this Colony. Nevertheless, in all submission to his Majesty's pleasure, we resolve to keep and observe all good correspondence with them, no way doubting that they on their parts will not intrench on the interests of this his Majesty's Plantation.[10]

In the event of such a rebuff on the part of Captain Claiborne, Baltimore's instructions to his brother had been to let the matter rest for the space of a year until the infant colony had time to get well settled; and then, if need be, to bring the matter to a trial of strength. But this prescribed interval of peace was not to be. Misunderstandings, or direct misrepresentations by

some, on one side or the other, aroused enmity, followed by open conflict.

According to the early accounts of the affairs of the colony, the Maryland settlers and the Indians lived harmoniously together for several weeks. Then came a period when the colonists saw a sudden change in the demeanor of the natives. Fearing a general attack, the settlers strengthened their fortifications and went about prepared for ambush or other surprise assault. The fortifications completed, they resumed the normal tenor of their lives, mingling with the Indians somewhat as before, until they learned the apparent cause of their altered behavior.

> It was found [says Scharf] that Claiborne had persuaded them that the colonists were Spaniards ("Waspaines") come to rob and destroy them; in proof of which assertion he had referred to the similarity of their religious rites.

It is not pleasant to think of this sturdy Indian fighter in the rôle of a plotter, engaged in arousing the enmity of the savages against his fellow countrymen, even though he held that the latter were about to deprive him of his just rights and bring rivalry and ruin to the older colony with which Claiborne had been so long associated. Dr. John Herbert Claiborne in his biography of the early settler asseverates with strong conviction that Captain Claiborne was, in this matter, entirely innocent, and that the judgment of a joint commission from Virginia and Maryland resulted in "a complete vindication of Claiborne"; and he further quotes the historians Fiske and Latané to substantiate his statements.

During the years 1627, 1628, and 1629, or at the time of George Calvert's visit to Virginia, Claiborne had held a commission from the Governor of Virginia to explore the Chesapeake Bay, or any other part of the Virginia territory from the 34th to the 41st degree north latitude. It appears that Claiborne at first took advantage of the license to *explore* by extending exploration to *participation in trade,* despite the fact that unlicensed trading had been forbidden in order to prevent irresponsible persons from furnishing the natives with firearms. Subsequently, therefore, to Lord Baltimore's visit to Virginia Claiborne sought and secured a royal license for trading pur-

poses, doubtless the better to fortify himself in any claim to a station or settlement already made, or which he was about to increase. Armed with this trading license, he set sail from Deal, England, May 28, 1631, with a valuable cargo, supplied largely by Cloberry and Company. Two months later the ship reached Virginia, and Claiborne proceeded to his trading post at Kent Island to establish there a "plantation." This proceeding is described by him as follows:

> Enter[ed] upon the Isle of Kent, unplanted by any man. But possessed of the natives of that country, with about one hundred men and there contracted with the natives and bought their right, to hold of the Crown of England, to him and his Company and their heirs, and by force and virtue thereof William Claiborne and his Company stood seized of the said Island.*[11]

Claiborne might have been successful as an empire builder, had not Calvert crossed the path of his ambitions. It is, perhaps, not to be wondered at that he was embittered in seeing his grandly unfolding prospects cut off by court decree. Although by nature a Royalist or Cavalier, he took opportunity, some ten or twelve years later, to unite with the Parliamentary faction; whereupon the Maryland historian and archivist, Hall, remarks, with asperity, that "No politician, ancient or modern, could change face quicker than he."†

In regard to Claiborne's claims to settlement and unhampered trading rights, it, perhaps, is not fair to his case to omit additional data. It should be noted, for example, that on October 8, 1634, Charles I addressed a letter to "Our Governor and Council of Virginia," to the effect that some of his subjects, hav-

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*Dr. J. H. Claiborne, *op. cit.*, adds: "It seems that there were women resident upon the island too, a fact which had been denied and reference is also made in the above-mentioned archives to a child who was killed by Indians."—*Maryland Archives,* II, p. 206.

One woman—"a mayde to wash our linnen"—was mentioned as having taken passage on the first ship from England, although wives of the settlers were not usually mentioned. Other women must have gone thence from Virginia; as, for example, Mrs. Gertrude (Richard) James, the settlement of whose estate appears later in the Maryland records: *Archives, I,* p. 37. Assembly Proceedings, March, 1639: "Then was heard an action of Mrs. Gertrude James against Captain Evelin, etc."

Henry Pincke was engaged "to read prayers." It is recorded, however, that this lay reader chanced to "breake his legge and was unserviceable." Subsequently Reverend Richard James, of the Anglican Church, was secured to look after the spiritual needs of the settlers.

†Hall, *The Lords Baltimore and the Maryland Palatinate,* p. 56. Baltimore himself, however, made overtures to the Parliamentary party before it had gained the ascendancy, for which Prince Charles showed marked resentment.

ing "formerly traded [upon], planted, and inhabited an Island near to Virginia, which they have nominated the Kentish Island"[12] had been, on pretense of a later patent granted to the Lord Baltimore, improperly attacked in their persons and property. Latané, who quotes from this letter, says, in effect, that relying upon it and assurances from the Virginia Council, Claiborne continued to trade in the Chesapeake Bay until the time when Governor Calvert overcame him by superior force of arms.*

In any event, Claiborne and his men continued to carry on in Maryland waters without authority from Lord Baltimore. Governor Calvert, therefore, had a pinnace, belonging to Claiborne, seized in the Patuxent for trading in Maryland without a license from the Lord Proprietor. Thomas Smith, master of the vessel, was released; but the vessel was held at St. Mary's.[13] A curious complication concerning this matter lies in the fact that when Captain Smith was asked for a license he produced copies of Claiborne's original commission and the letter from the King concerning the Kent Islanders' right to unhampered trade and traffic. These documents, however, the Marylanders declared were false. By this act the representatives of Governor Calvert had, in the eyes of Claiborne, not only trampled upon his rights, but had defied the King's express commands. Claiborne did not await further negotiations or directions from His Majesty. He promptly armed the *Cockatrice* for the purpose of making reprisals. This "wherry" was met at the mouth of the Pocomoke by Captain Cornwallis in command of the *St. Helen* and the *St. Margaret* for Governor Calvert. Thereupon, April 23, 1635, occurred what is often called the first naval engagement in North American waters. The Marylanders asserted that the *Cockatrice* was the first to open fire, whereupon William Ashmore, of their party, fell; but the *Cockatrice* surrendered after its commander and two of his men had been killed.

When Claiborne heard of this reverse he sent out another

*At first sight this was a blow to the prestige of Lord Baltimore, as the King was going over Baltimore's head. On the other hand the King's letter spoke of Kent Island as "near to Virginia." This is in contradistinction to the terminology of not a few documents of the day, which spoke of "Maryland in Virginia" or the "parts of Maryland in Virginia." At this time, doubtless through the efforts of Governor Harvey, Claiborne was deprived of his office as Secretary of the Colony of Virginia.

vessel under the command of Captain Smith. The latter, on May 10, 1635, met a Maryland force near where the first engagement had occurred. Concerning this second encounter there are few details available, but Smith was apparently successful, after which Governor Calvert deemed it best to await a more favorable opportunity to eject Claiborne or to get rid of his claims by methods less likely to risk civil war in America, with the possible ruin of the infant Province. It is not improbable that Leonard Calvert received advices from Virginia telling of the ousting of Governor Harvey, leaving the anti-Baltimore faction in control. Probably this news came together with advices from the Lord Proprietor to the effect that Cloberry and Company were about to desert Claiborne because of the great falling off in the returns from the fur trade.

In Virginia, the resignation forced upon the royal appointee, Governor Harvey, was a bold defiance of His Majesty, despite whatever complexion was put upon the act by the leaders of the popular faction. The Virginians *elected* Captain West, a younger brother of Lord Delaware, to act in Harvey's place; and the militant Mathews[14] wrote a long letter of explanation to Sir John Wolstenholme saying, in substance, (1) that Governor Harvey had suppressed letters of protest against trade monopolies; (2) that he had favored the Marylanders with respect to the trade in corn to the deprivation of his own people; (3) that the Indians had committed depredations which were unavenged, and that it was believed the Governor had privately profited by a "dangerous peace" with them; (4) that

> the inhabitants also understood with indignation that the Marylanders had taken Captain Claiborne's pinnaces and men with the goods in them, whereof they had made prize and shared the goods amongst them, which action of theirs Sir John Harvey upheld, contrary to his Majesty's express commands in his royal letters and the letters of the Lords, which letter from his Majesty he did not communicate to the rest of the Council [etc].[15]

A requisition from Governor Calvert on the newly chosen Virginia authorities for the delivery of Claiborne's person was ignored or refused; but West, acting Governor by the suffrages of the Virginians, outlined to the Lords Commissioners of Plantations in March, 1636, the course that was being pursued, whilst awaiting instructions from His Majesty or the Commissioners. After describing the condition of the colony and the

causes that led up to the deposition of Governor Harvey, Captain West wrote:

> Without infringing [upon] his Majesty's grant to the Lord Baltimore, we have taken the nearest course for avoiding of further unnatural broils between them of Maryland and those of the Isle of Kent. As we find those of Maryland in our limit[s], we bind them in deep bonds to keep the king's peace towards those of the Isle of Kent, as also Captain Claiborne, the Commander of the Isle of Kent, towards those of Maryland.[16]

Under the circumstances, these words seem fair enough, and they were written by a man who, like Cecil Calvert, was honorable in keeping his pledges; yet the two were different in that the latter was created by a Stuart sovereign absolute Lord Proprietor whilst the former was the first Governor chosen in America by popular suffrage in the place of a royal appointee.*

It is now in order to introduce the remarkable request or suggestion by Lord Baltimore that he, while remaining absolute Lord Proprietor of Maryland, be also appointed the royal Governor of Virginia.[17] Perhaps both George and Cecil Calvert had always held some such possibility in view. In any case, Cecil promptly sought to take advantage of the unsettled state of affairs in Virginia to make application for the place vacated by Harvey under compulsion and held *ad interim* by West. Lord Baltimore, who advanced the proposition of his appointment through his friend, Secretary Windebank, held out the lure of an increase in His Majesty's revenues by some £8,000 yearly. What Charles thought of the proposition we do not know. Possibly Windebank and others advised against it, that it was likely to promote open resistance in America, as already the spirit of rebellion threatened Charles at home. The King, however, angered by the forced departure of Governor Harvey, declared that the latter must be returned to Virginia, "though he stay but for a day."[18]

In the meantime, the inactivity of Governor Calvert as to the once proposed reduction of the Kent Island settlement, together with acting Governor West's policy of putting all under bond to "keep the King's peace" caused both colonies to pursue the even tenor of their ways without open friction. Indeed, peace was

*Slowness of communication and the long delays in receiving instructions contributed more than anything else to the possibly overhasty acts of subordinates and partisans on either side.

maintained up to the time of the entry of Cloberry and Company upon the scene, in the person of George Evelin, their agent, who appeared at Kent Island in December, 1636. Trouble began to brew shortly thereafter, and Evelin lost no opportunity to add fuel to the flame of dissension, first on one side, and then on the other. Without Evelin, it seems that peace would have continued, for a time, at least; with him, it was impossible.*

Notwithstanding the rivalry in trade and the loss of at least one "pinnace," together with the constant threat of conflict with the men of St. Mary's, the Kent Islanders, up to the coming of Evelin, had, in modern terms, "carried on" by their own efforts and through the energetic coöperation of Claiborne. William Cloberry, however, was dissatisfied; and it appears that he had secretly determined to break with Claiborne and possibly seek definite and final terms under Baltimore. Therefore, while Claiborne was laboring for the maintenance of the Kent plantation, his partners in London sent out nothing for the supply of the settlers. When Evelin arrived at Kent Island he railed loudly at the claims of Baltimore. Supplies began to arrive from Cloberry and Company, which, however, were assigned not to Claiborne, as heretofore, but to Evelin. Claiborne, though surprised, made no complaint; and freely gave advice and assistance to Evelin, who, as soon as he was well established, requested Claiborne to turn over the control of the island to him, privately showing Claiborne a power of attorney from Cloberry and a summons for Claiborne to return to England and render an account.

Claiborne, apparently willing that his acts should be fully investigated, prepared to make his report in person to Cloberry; but, before taking ship, he repaired to Kent Island. There, beginning to suspect Evelin's intentions, he called, May 18, 1637, a meeting of both the freemen and indentured servants. In the presence of all he offered to give possession in favor of Evelin if the latter would give bond to the amount of £3,000 not to

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*See Sebastian F. Streeter's monograph, *The First Commander of Kent Island, Fund Publication,* No. 2. The title of this monograph is in contradiction to the deposition of Governor West, who had *previously referred to Captain Claiborne as "Commander of Kent Island,"* p. 107, *supra.* Streeter, who was the first recording secretary of the Maryland Historical Society, writing in 1868, did not have at that time access to papers that were available a few years later.

yield to the claims of the Marylanders and not otherwise to despoil the settlement. This Evelin twice refused to promise, and Claiborne, voicing a formal protest, left for England. Scarcely was Claiborne out of sight before Evelin repaired to Virginia. There he misrepresented Claiborne in declaring that the latter had absconded in a pinnace belonging to Cloberry and Company. Showing his power of attorney from the latter, and, of course, still pretending to be an opponent of Baltimore's claim to control of Kent Island, he secured possession of all the available supplies held by Captain Claiborne for himself or for the Company. To accomplish this, he obtained a warrant from the unsuspecting Governor West and his council. He further was able to put Captain John Boteler, friend and brother-in-law of Claiborne, under bond. Boteler was then in command of one of the Claiborne-Cloberry pinnaces or wherries trading between points in Virginia and Kent Island, Boteler himself being a resident of the island and an outspoken adherent of the Claiborne claims.*

After selling the cargo of the pinnace in Virginia and pocketing the proceeds, Evelin hastened back to Kent Island, where he now openly showed his power of attorney to the people and took control of "all the plantations, houses, goods, mills, servants, and whatsoever else belonged to Cloberry and Company." Thereupon, Evelin began to visit St. Mary's and addressed himself to the business of alienating the allegiance of the islanders from Captain Claiborne and Virginia to Lord Balti-

*Leonard Calvert, in his letter to Lord Baltimore, April 25, 1638, speaks of Boteler as "Clayborne's brother-in-law." Subsequently, Boteler became "conciliated" to the Proprietary's interests through the tactful proceeding of Leonard Calvert. He and Captain Thomas Smith were arrested with a view to trying them for murder and piracy; but Governor Calvert wrote to his brother that he had purposely "omitted as yet to call Mr. Boteler [spelled Boteler and Butler in the same letter] to his tryall, because I am in hopes by shewing favor unto him to make him a good member." Streeter writes that, "Smith, on the ground that the Assembly of 1635, had enacted that all offenders in murder and felonies should suffer the penalties provided by the laws of England, was regularly indicted, brought before the House of Assembly, tried, found guilty of piracy, and condemned to death; by a vote in which six of the colonists, who had been present at the affrays in the Bay and testified before the grand jury that found the indictment, participated. The accused, a person of education, demanded benefit of clergy, which was refused; and he was probably soon after hung. So ended the first capital trial in Maryland."[19]

On the other hand, for lack of definite records the actual execution is in doubt, even though in the depositions given in the case of *Claiborne* vs. *Cloberry et al* (*Maryland Archives,* V, p. 187) reference is made to the hanging of Smith and one Edward Beckler.

more and Maryland. This was a much more difficult task, it appears, than he had anticipated, and he made little progress; whereupon he sought to persuade Leonard Calvert to compel the inhabitants of Kent Island to acknowledge the authority of the Proprietary of the Province.

In the meantime Evelin had sought a residence upon the western shore of the Chesapeake, and he finally received a grant of land as the Lord of the Manor of Evelinton, laying claim to some of the acreage of his new estate on the basis of more or less irregularly transporting servants to it from Kent Island. Thither, also, he transferred much of the property belonging to Claiborne and the Cloberry trading interests; for, by this time, he was prepared to sacrifice not only the Claiborne but the Cloberry interests and those of all the islanders as well. Eventually he even dug up and transplanted the fruit and ornamental trees from Claiborne's private orchard and gardens. With the island partly despoiled and the trade with the Indians in state of decline, Evelin visited Kent armed with a commission from the Governor of Maryland as Commander of the island. Having called together the people by virtue of his double authority he told them that he had found himself much mistaken as to his previous conception of Lord Baltimore's patent, which was valid; and he was now convinced, for the good of all concerned, submission should be voluntarily made to one who could use his power at any time to overwhelm them; that the deposed Governor of Virginia was now returned, and that he carried positive orders from the King that the island should be forthwith given up to the Lord Proprietor of Maryland. Evelin attempted, also, to persuade the islanders that their best interests and future hope of prosperity lay with Maryland, pointing out the impressive fact that under the charter granted to Baltimore they could sell their tobacco and other commodities to whatsoever countries they pleased, whereas under the domination of Virginia, they must necessarily confine their trade to the mother country. The islanders were obdurate, and arguments appealing to their self-interest failed equally with the others. The island leaders told Evelin, as the agent of Claiborne or of Cloberry, they would acknowledge his authority, but not as the Commander from St. Mary's.

This was in November, and Evelin, on his return to St.

Mary's, persuaded Governor Calvert to fit out an expedition for the forcible "reduction" of the islanders. This expedition landed at Kent before dawn one morning in December. The event is described by Streeter as follows:

> Captain Evelin either accompanied the expedition, or met them on the shore, which they reached at night, and guided them to the fort, that fell into their possession without resistance. The next morning, the astonished people found their stronghold in the hands of their rivals, themselves overawed by an armed force, their Island declared of right and by conquest a dependency of the government of Maryland, and the jurisdiction of Claiborne and his partners under the government of Virginia at an end.[20]

After Governor Calvert returned to the seat of government he issued a second commission to Evelin to secure and maintain the government of Kent, giving him power to select his assistants, which the latter proceeded to do. Straightway the unfortunate islanders fell upon evil days; for Evelin appeared bent upon ruining all those who had dared to oppose him. Against several of the leading men numerous suits were promptly brought in the name of Cloberry and Company, who soon had reason to regret their faith in the agent they had sent out; since it had not been their intention that he should "reduce" the island so as further to curtail the profits accruing to them from their investment. A few weeks more, and Evelin abandoned all pretense of caring about Kent Island; for apparently his whole concern lay at St. Mary's. In Maryland, as in Virginia and at Kent Island, he seems at first to have met with some esteem; but it was not for long. On April 22, 1638, he was replaced by William Brainthwaite as Commander of Kent Island, and it seems that he returned to England some time during the same year, leaving his Manor of Evelinton and some debts and assignments to his "dear brother" Robert, who took in payment part of the Manor of Evelinton and remained in Maryland, although he is said to have ended his career in the West Indies. Having returned to England, the name of the former agent appears in some litigation as having "falsely" sold the services of certain servants in Maryland upon whom he had no claim.

The Assembly of 1638, after describing Claiborne and his supporters as a band of "notorious and insolent rebels and disturbers of the peace," passed a bill of attainder against him and

ordered the forfeiture to the Lord Proprietor of all "his goods and chattells which he hath within this Province," of which Volume III, *Proceedings of the Council,* gives a complete list down to the number and variety of hoes, kettles, etc. Affairs were breaking badly for Claiborne; for almost simultaneously with this forcible seizure of his property in America, the Lords Commissioners of Plantations decided, April 4, 1638, that the right and title to Kent Island and other places in question belonged absolutely to Lord Baltimore, adding that "no plantation or trade with the Indians ought to be within the precincts of his patent without license from him."[21] A few days before, the King had ordered the Commissioners not to allow any matter prejudicial to Lord Baltimore to pass the seal, proceedings which literally carried out that remarkable provision in Baltimore's charter requiring all matters in doubt to be decided in favor of the Proprietary.[22]

For a moment there appeared to Claiborne and his supporters a bright gleam of hope, because, in answer to a Cloberry plaint, supported by the Earl of Sterling, the King wrote to Lord Baltimore on the 14th of July sharply demanding that he give heed to his former instructions as to the Kent Island "planters, and their agents," that they "may enjoy in the meantime their possessions, and be safe in their persons and goods there." The tone of the letter was unlike any that His Majesty had hitherto addressed to George or Cecil Calvert. It contained a distinct note of warning in expressing the expectation that Lord Baltimore would heed those previous instructions, "that we may have no further cause of any further mislike," whilst the Claiborne complaint was awaiting the judgment of the Lords Commissioners, to whom the King had referred it.[23] On the 21st of July, this letter was by David Morehead, representing the Cloberry interests, dramatically presented to Lord Baltimore for answer in the presence of William Claiborne and three others. Lord Baltimore, however, refused to give an immediate reply, declaring that he "would wait upon his Majesty and give him satisfaction." This he must have done with marked success; for Claiborne, finally defeated at Court and Council Board, soon returned to Virginia; and some months after he had arrived at his home at Kecoughtan* he gave power of attorney

*Hampton.

to George Scovell, August 21, 1640, to appear at St. Mary's in an effort to recover his "money debts, cattle, tobacco debts," and other personal property.

The answer of the Maryland government was brief but comprehensive and final, to the effect that:

> What estate Captain William Claiborne left within this Province at his departure undisposed of on 24 March, 1637, the petitioner may know that it is possessed by right of forfeiture to the Lord Proprietary for certain crimes of piracy and murder whereof the said Claiborne was attainted the day aforesaid by judgment of the house of General Assembly; if the petitioner can find out any of the said estate not possessed or held by that right, he shall do well to inform his Lordship's attorney of it that it may be recovered to his Lordship's use.[24]

Two years later, as some compensation for the confiscation of his property in Maryland, the King appointed Claiborne Treasurer of Virginia for life; but before closing the first chapter of this remarkable controversy, on the outcome of which hung the fate of a considerable part of the Atlantic seaboard, it should be noted that the legal interpretation of the famous *hactenus inculta* phrase reappeared about forty years later in the dispute between Cecil Calvert's son and William Penn; whereupon, the original decision was reversed to favor the contention of the Proprietary of Pennsylvania to the effect that the land claimed by the latter was cultivated before the date of Lord Baltimore's patent. At this time the disposition of another part of the Atlantic seaboard was at stake, with the subsequent carving out of a colony destined to be a great political power. It appears, therefore, if the latter opinion was just, the former was unjust, and *vice versa*. Kent Island was inhabited by Englishmen, whereas Delaware had had thereon a settlement, held first by Swedes and then by the Dutch; but neither of these claims to North American soil had been allowed or admitted by the English as valid.

While a considerable number of Maryland commentators have been perhaps too severe upon the redoubtable Claiborne having, unjustly, it would now seem, associated him with the "pirate" Ingle working under cover of the Puritan régime, others have recorded a high estimate of the champion of the popular party in opposition to Governor Harvey. Besides Clai-

borne's devotion to extending the bounds of Virginia and his lifelong struggle for what he believed were his rights, he was forced by circumstances to become the opponent of Baltimore, toward whom he acted with a high sense of honor on at least one occasion and with rare restraint on another. On the first of these occasions, Cloberry, in one of his tortuous shiftings to get upon the winning side, made overtures to Captain Claiborne for assistance. Apparently these overtures overreached the mark of what Claiborne thought were his just claims, for to the Cloberry proposals Claiborne made the following reply:

> This respondent hath refused to joine with the saied Cloberry & Company in complayninge against or opposing the saied Lord Baltimore's Grannte or Patent articulate.

On the other occasion, when, under order of the Commonwealth, he held Maryland almost in the hollow of his hand, he neither advocated nor attempted any general confiscation of property, as many would have done and then have held themselves justified on the ground of avenging prior wrongs.*

No one may fully appreciate the Claiborne-Baltimore controversy until the true situation in regard to the development of the first English colony is itself grasped and appreciated. For example, in his introduction to Hammond's *Leah and Rachel,* Clayton C. Hall, meticulously careful on so many points, goes wholly astray when he says:

> The misrule which is described as prevailing during the earlier years of the Virginia colony is what led to the annulment of the charter of the old Virginia Company.[25]

As a matter of fact the charter of Virginia was annulled, not because of such "misrule," but because of the popular success of the government established by the colonists under the direction of Sir Edwin Sandys and the Earl of Southampton. In short, it had developed into a liberal representative democracy, the pioneer or precursor of other such representative governments. James I had in reality sought to end this government in America, for the ideas and practices of the colony might further react upon a "seditious Parliament" in England.

*Infra.

In fairness to Cecil Calvert and William Claiborne it is neither impossible nor inconsistent to feel a strong sense of sympathy for both of these men who so valiantly competed for control of the empire north of the Potomac. It happened that Claiborne became the champion, or, at least by force of circumstances, the representative, of the liberal democracy established in Virginia. Politically, his antagonist was the associate of Charles I and Governor Harvey; notwithstanding, he became the proponent and promulgator of the hitherto latent idea of religious freedom, with the separation of Church and State. For a while the antagonisms of the leaders brought discord, a discord fanned into flames by designing followers; but, in time, these neighboring commonwealths ultimately went to war side by side for a single purpose—that of the maintenance of representative self-government.[26]

In the presentation of the immediately preceding topics sundry events were necessarily anticipated by reference and connection. It is now in order to return to the life of the settlers at St. Mary's and the expansion of the colony.

It will be seen that surveyor Simpson and his assistants lost no time in laying out lands in Augusta Carolina County, soon to be known as St. Mary's. According to Lord Baltimore's "Conditions of Plantation" the amount of land granted to a freeman was to vary proportionately with the number of persons or servants he brought over with him. "First settlers" who brought over as many as five persons were entitled to a grant of 2,000 acres. When an immigrant brought over less than five, he received 100 acres for each person over sixteen years of age, including himself and his wife, with 50 acres additional for every person under that age, the grants being subject to annual quitrents varying from 12 pence for every fifty acres in small holdings to 20 shillings for a manorial estate. These rents were to be paid to the Lord Proprietary "in the commodities of the country." An independent woman had like privileges as to transporting herself and other women and minors. Plantations were laid out along the unequaled extent of water front in order to provide greater facilities for trade, for the shipping of produce, and for communication. Nearly all industry was rural or agricultural, as it continued to be in the colonies until the Revolution,

and predominantly so in the United States until some years thereafter.

Hunting, fishing, and trapping took up the entire time of a smaller proportion of the early settlers than might be supposed, the Marylanders apparently being ambitious to provide for themselves and for their families manors, estates, or less pretentious farming lands, according to their respective stations in life. All, however, at one period or another, had ample opportunity to pursue game under the most favorable conditions, since water fowl and fish abounded as in few other places the world over. In England no little interest was shown in specimens of the flora and fauna of the American continent. Leonard Calvert sent his brother American deer; and he greatly regretted the untimely death of a "lyon" (wild-cat?) which he was preparing to send overseas upon the first opportunity. The American red bird had excited Leonard's admiration and probably no little curiosity on the part of Cecil; but Leonard, in the same letter that describes the "reduction" of Kent Island, adds:

> I had procured a red bird and kept it a good while to have sent it to you but I had the ill fortune to lose it by the negligence of my servant, who carelessly let it out of the cage.

As the colony expanded, districts or *hundreds* were formed, which, as in Virginia, constituted political units for representation in the Provincial Assembly, and for the administration of justice in local affairs. The early drift of the population was across St. Mary's River, and the first such subdivision to be created was on the west bank, which was called St. George's Hundred.

As involving certain basic principles of economics and government, an important event in the history of the infant Province was the erection of a water mill for the grinding of the settlers' grain. This was provided for in 1639. The Governor and Council were duly authorized to enter into a contract for erecting the mill, up to an expense limit set at 30,000 pounds of tobacco. Tobacco was, in effect, provincial currency; and the total amount was to be raised by taxation within a period of two years.*

Up to recent times, in rural sections, or in western town-

*The Peasley *Relation* indicates the creation of a (privately constructed?) mill at an earlier time.

ships, the people of a community were accustomed to "turning in" to make or repair public roads. The first State House in Maryland was erected by some such plan. The Assembly, in the terms of the bill, called it a "towne-house"; and it was provided that

> every house-keeper[-holder] should be contributory to the said building either in stuff, workmanship, labor, or tobacco, in such manner and after such rates proportionately to each man's personal estate. . . . Provided, that the whole charge thereof amount not to above six thousand weight of tobacco in the whole province, and that no man (artificers excepted) be pressed to labor at the said building before November or after February in any year; and provided that artificers and laborers have such rates for their work as are reasonably used within the colony.

While the principal medium of exchange in the Province was tobacco, trade with the Indians was not infrequently carried on in the simple currency to which the natives were accustomed: *viz.,* "peag" (or peak) and "roanoke." Peag consisted of small polished cylinders about a third of an inch long and a quarter of an inch in diameter made out of clam or mussel shells, pierced for stringing. Dark colored peag was more highly esteemed, but the commoner variety was white, called "wampum peag." Roanoke was equivalent to the baser metals of European coinage and consisted of bits of flat shell that also were pierced for stringing. Broad belts of wampum were used in larger transactions, notably in payment for land.

It has already been seen that Governor Calvert offered the Indians at St. Mary's articles of practical use, such as implements of husbandry. Occasionally, however, one is surprised to find that the Indians were willing to trade furs and pelts for articles of European wearing apparel; for example, in the journal of Captain Henry Fleet, trading in the Chesapeake prior to the coming of the *Ark* and the *Dove,* we find an entry to the effect that the Indians delight in broad-cloth, and coats, shirts, and *Scottish stockings.*" "The women," he added, "desire bells, and some kind of beads." Also the author of the *Relation* reported that the werowance of Patuxent "goes frequently in English attire, so doth he of Portoback, and many others that have bought clothes of the English."[27]

In the majority of the English colonies, the white settlers or the promoters of settlement, once they had established them-

selves, cared little how the natives were dispossessed. Lord Baltimore was an exception to this general rule. When the Lord Proprietor and founder of the Province learned, in or about 1650, that the more peaceably inclined Indian tribes of the Chesapeake region were being pressed back farther and farther into the forests by the steady encroachments of the whites, he wrote to his brother that "we esteem ourselves bound in honor and conscience to allow them, according to their desire, some place of habitation there *by a title derived from us.*" He then proceeded to define and set aside a "certain tract of land in the head of Wicomoco river, called Chaptico." The land thus set apart for the Indians consisted of a patent of eight or ten thousand acres, which was to be made into Calverton Manor, where courts baron and courts leet were to be held, as in the case of any such similar grant made to white settlers. No copyhold was to exceed fifty acres in extent except in the case of a werowance. Robert Clarke, Lord Baltimore's own official surveyor in the Province, was appointed steward of this so-called Indian Manor.

This proposed adoption of feudal procedure to the use of the American Indians was undoubtedly indicative, in its provisions, of the good intentions of the Proprietary, however impractical it proved to be in actual practice; yet what might have developed therefrom we cannot know, since Lord Baltimore's plans were set at nought by the Puritan upheaval. That the Indians were, from the first, driven inland by the influx of white settlers is apparent from Secretary Lewger's letter to Lord Baltimore, dated April 25, 1638:

> [As] for the cedar desired, I know none here worth sending, as I told your Lordship by my last. For the birds, I have no cage to put them in when they be taken, nor none about me dextrous in the taking of them, nor feeding of them, and I have myself so little leisure to look after such things, that I can promise little concerning them; and for the arrows, the Governor will take care, who hath all the commerce with them; and, for my part, I scarce see an Indian or an arrow in half a year; neither when I do see them have I language enough to ask an arrow of them.*

It is not known precisely when slavery was introduced into Maryland; but we find from a statute of the Maryland Assembly of 1639, "that all the inhabitants of this province being

*Calvert Papers, F. P. No. 28, p. 198.

Christian (slave excepted) shall have and enjoy all such rights, liberties," etc., "as any natural born subject of England hath, or ought to have enjoyed in the realm of England." Bozman comments on the slavery reference as follows:

> That, as Maryland borrowed most of its provincial institutions from Virginia, slavery was among the first of those introduced from thence, where it had without doubt existed from the time of the first importation of negroes into that colony in the year 1620, or 1619.[28]

This passage was written, approximately, in 1830; whereas recent investigations show the oft-repeated statement that slavery or servitude for life was introduced into Virginia in 1619 is disproved by the records.[29] The first negroes brought into the colony of Virginia were indentured for a term of years. After their terms of service had expired they were freed. Thereafter, some of them, being too recently redeemed from barbarism, abused their freedom and committed sundry crimes and excesses; they were punished and subsequently condemned to service again. Apparently from this custom or condition arose indentures for longer periods or for life. After the Indian massacre of 1622 available homesteads were plentiful but labor was scarce, and the importation of negroes through the intercontinental slave traffic began on a regular scale, under frequent protest from the Southern colonies—protests that were overruled in England. As early as 1636, at Marblehead, Massachusetts, the *Desire,* the first American slave ship, set out on its career; and it would be interesting to know whether this vessel ever brought African negroes to Maryland, or whether the first negroes brought into Maryland were indentured servants, as had been the case in Virginia. Subsequently many Marylanders became slave holders, but few, if any, ever engaged in the reprehensible practice of seizing negroes in their native land and transporting them to America. The unsanitary and crowded conditions characteristic of the transatlantic voyages of that day brought about terrible mortality among the white immigrants, but the conditions on the slave ships were the worst of all. The Reverend Ethan Allen points out that Father Andrew White brought the first negro into Maryland; but the statement almost certainly covered the case of a negro brought in as an indentured servant rather than as a slave. This commentator adds:

In the narrative of Father White, one fact is mentioned, perhaps deserving of notice. It is this, "four servants that we brought for necessary use in Virginia." One of these was Francisco, a mulatto. For, in a memorandum recorded, p. 37, in the oldest land record book of the province of Maryland, there is mention made, that "Francisco, a *molato,* was brought in by Andrew White, in the year 1635," and through him right to land was therefore claimed. This is the first notice on record of the introduction of this race into the Province.[30]

Negro slavery was found to be unprofitable in the Northern colonies long before slavery came to be regarded as a politico-moral question. On the other hand it is problematical what the Southern colonies would have done without the services of the negro in the cultivation of the fields of tobacco, rice, indigo, and cotton, in days when no effective remedies were known for the fevers that brought death to the European. Recent essays by negro writers very properly stress the part played by the negro in the development of America. While he was, through contact with a far more advanced race, rising in the scale of civilization, he was also accomplishing certain things that might have proved impossible for the white man alone to achieve. He not only helped to develop the North American continent, but added greatly to the wealth and welfare of the world as he could or would not have done in Africa. It would seem, therefore, that his advent was neither an unmixed evil on the one hand, nor yet an unalloyed advantage on the other. In many cases the "death ships"[31] brought to America captives who were unhappy enough; but it must also be borne in mind that at least some of these unfortunates were rescued from cannibal orgies for a destiny in America far superior to that of their countrymen in Africa.

CHAPTER III

Interregnum

PART I: PRESSURE FROM WITHOUT

It is one thing to undertake voluntarily the conflict for immortality, another to compel others to do so from the fear of punishment.—Constantine.

The story of the period of Puritan ascendancy in England and America begins long before the event. Cecil Calvert was in a position to hear the first mutterings of the gathering storm; and, being a wise manager, he prepared, as best he could, to meet it.

In the previous chapter it has been seen that, with the admission on the part of Lord Baltimore of the right of the Maryland colonists to initiate legislation, a notable principle had been advanced by the people, and the people had won. In Maryland, Englishmen would do without assemblies rather than yield, thus reversing the proceedings in the mother country, where the ruler attempted to do away with parliaments rather than permit them to curb his authority. Charles I refused to bow to the popular will; and, in comparing the two, Bozman remarks:

> Fortunate had it been for his sovereign, could he have copied from his noble subject so excellent an example, an example of prudent caution in yielding in time even what he deemed to be his just right and prerogative.[1]

Lord Baltimore probably thought that the colonists had acted unwisely; but in his letter yielding the point at issue there is no ungracious expression, even though some have thought the phraseology is not so clear but that a mental or legal reservation could be strained out of it. Hence, Lord Baltimore's admission may best be given in his own words to Leonard:

> Dear Brother,
>
> I do hereby give you full power and authority from time to time in every general assembly summoned by you in the province of Maryland, in my name

to give assent unto such laws as you shall think fit and necessary for the good government of the said province of Maryland, and which shall be consented unto and approved of by the freemen of that province or the major part of them, or their deputies assembled by you there from time to time for the enactment of laws within that province; Provided that the said laws, so to be assented unto, be, as near as conveniently may be, agreeable and not contrary to the laws of England; every which law, so to be assented unto by you in my name, and consented unto and approved of by the freemen aforesaid, I do hereby declare, etc.

In addition to the more general acts of the Assembly it is worth while to review some of the laws created as precedents in Provincial legislation. Penalties were prescribed for swearing, defined as "the profane adjuration by God or some holy creature." The penalty, however, was light in comparison with those imposed in New England for similar offenses. It consisted of a fine of "five pounds of tobacco or one shilling sterling to the Lord Proprietary."[2] The founders made no effort to stop the importation or manufacture of intoxicating liquors. Drunkenness, however, was made punishable by fines or whippings "for every such excess at the discretion of the judge." The fine was set at thirty pounds of tobacco or five shillings. Drunkenness was defined as "drinking with excess to the notable perturbation of any organ of sense or motion." In this connection it may be noted that in a clause attached to a law concerning insolvency the following declaration is found—that "debts for wine and hot waters be not satisfied till all other debts be paid."[3] "Servile labor upon the Lord's day" was prohibited; but all recreation was apparently not proscribed as under the Puritan customs of Old or New England.*

Laws were passed regulating the conduct of masters toward indentured servants in regard to supplying them with "necessary or convenient food, lodging, clothing," etc. The penalty for infraction of this particular act, it should be especially noted, was not a fine but imprisonment. The Maryland legislators were carefully safeguarding the welfare of this class of colonist and laying store in him as a future freeman when he should have served out his term of indenture. On the other hand, the same legislature impartially passed a law regulating the con-

*Even in that age of an apparently unlimited stock of game and fish it appears that at least one law was passed looking toward conservation: *e. g.*, "Fishing at the creek, in St. George's Hundred, with seine or other unlawful net" was forbidden.

duct of these redemptioners, so that they should all live up to their agreement of service. The penalty for failure to "perform the lawful commands" of their masters, or for testifying falsely against them, was public whipping or other punishment, at the discretion of the judge. Although redemptioners were under no little duress, it should always be borne in mind that a considerable proportion of them were entitled to as much consideration as to social position and educational attainments as their masters, for example, the entire company of Plymouth Pilgrims were bound out to service to the merchants and others in England who had furnished them the means of passage.

In the mother country, at this time, the laws against debtors were extremely harsh. Honest but unfortunate men were thrown into prison with malefactors of all kinds. As late as 1733, the well-known debtor experiment in Georgia opened up life anew for some of these unhappy people. In fact, the famous founder of Pennsylvania, subsequently Lord Baltimore's rival proprietary, was imprisoned for debt; so that William Penn himself might have taken advantage of some such plan of liberation as that offered by James Oglethorpe. This problem, therefore, faced the early lawmakers in Maryland: Should they confine a debtor in prison, where he would languish without hope of making payment by his own exertions, or should they pursue a course whereby the debtor might have an opportunity to work to pay off his obligations and, at the same time, contribute something useful to the welfare of society? In any event, the law that was the result of these deliberations was a long step forward from the custom of the time. It was provided that,

> Where there is not sufficient distresse of goods, the party himself, or any of his servants attached, shall be either sold at an outcry, or otherwise his service valued and appraised by the month as before, and delivered in execution to the party or parties recovering . . . until the execution be satisfied,

—that is, until the debt be paid in service rendered to the creditor. It is often overlooked that in those days business dealings of all kinds were extremely uncertain; and the severity of the penalty for insolvency seems to have made matters worse. In England, at that time, the number of cases of insolvency and of indebtedness of every variety is astonishing. *Theory* in the

Province was not modern in this respect; but the heavier penalties were, in *practice,* usually ignored, remitted, or modified.*[4]

Attention has been directed to the Lord Proprietor's care in seeing that food supplies were not lacking in his province, as had frequently been the case in Virginia and Massachusetts. The settlers themselves showed that they appreciated the wisdom of the Proprietary in this matter; for, in this notable Assembly session of 1639, they passed the following brief but clear enactment: "Every person planting tobacco shall plant and tend two acres of corn," a statute evidently modeled after the "Two Acre Act" of the Virginia House of Burgesses passed in 1624. A duty was levied on tobacco, the principal product of the Province, when *exported* to any country other than "England, *Ireland* or *Virginia.*" The proceeds of this tax, however, did not go into the public treasury of the Province, but to the Lord Proprietor. The fact that the Proprietary had the privilege of imposing this tax is significant, in that Charles I had instructed Governor Berkeley to allow no tobacco trade at all between Virginia and foreign countries. The King sought for himself all the revenue derivable from the importation of tobacco into England. The Virginians objected to these restrictions on their foreign trade; and, through the laxity of Crown officials, frequently evaded the royal mandates. In Maryland, on the other hand, the sentiment of the Assembly seemed to favor the idea of granting regal tax prerogatives to the Proprietary in return for the extraordinary expenses put upon him in establishing the colony.

Since the principal medium of exchange in the Province was tobacco, there was a very limited circulation of Spanish and English coins—both being clipped and cut and subject to weighing. On the other hand, as Wilhelm says:

> Whether estimated in commodities or money the [quit] rent services were not onerous.

Land certificates were sometimes used as a medium of exchange, so that such certificates may be regarded as the first paper

*Captain Cornwallis was administrator of the estate of his fellow councillor, Jerome Hawley. In this case, several of the members of the Assembly who afterward made good as colonists, had their accounts stricken off as "desperate debts." Subsequently, imprisonment for debt obtained in the Province.

currency in circulation in the colony.[5] Quit-rents were at first "payable in kind"—usually tobacco—sometimes in corn or other grain. After 1733, they became payable in money; but an Act of the General Assembly of 1780 celebrates the end of quit-rent payments since the "present glorious revolution," to which was added the resolution that in Maryland they "be for ever abolished and discontinued." Subsequently, the British Government allowed Henry Hartford, the last Maryland Proprietary, the sum of £90,000 for the loss of his rents and other rights in the former Province.

In 1639, the freemen of Maryland had taken especial cognizance of one fact in regard to affairs in the mother country; that no British Parliament had been called for a period of ten years, and that there was no legal provision for Parliament to be summoned at any time. The legislators of Maryland provided, as one of the most important matters of the first assembly in which they had the acknowledged privilege of proposing legislation, for the immediate passage of an act to the effect that "assemblies were to be called once in every three years at the least." When, finally, Charles felt compelled to call Parliament together in 1640, that body took action similar to that taken in Maryland and passed the famous act requiring triennial parliaments. By way of further comparison, it may be added that from having no Parliament at all, the mother country went to the other extreme and had such a surfeit of legislation and fanatical legislators that Cromwell, the principal leader of the revolt, felt compelled to assume the part of a dictator and arbitrarily dismiss the troublesome body.

The above-mentioned act of the Maryland Assembly, like many others adopted by this remarkably constructive body, was passed in the interests of representative democracy. Nevertheless, the same body approved a clause which smacked strongly of caste and class prerogative, probably a concession by transplanted but conservative Englishmen to the ideas of the Lord Proprietary, who had set his heart on manorial estates, and who may have planned to establish a provincial Upper House like the British House of Lords. At any rate, an act was passed concerning "what persons shall be called to every general assembly." By the terms of the bill it was provided that, "from henceforth and for ever everyone being of the council of the Province

and any other gentleman of able judgment summoned by writ (and the Lord of every Manor within this Province after Manors be erected), shall and may have his voice, seat, and place in every General Assembly," etc., together with "two or more able and sufficient men for the hundred as the said freemen or the major part of them . . . shall think good."[6] The representative system was clearly recognized; but the aristocratic feature of extra-selected members accompanied the democratic provisos for the constitution of the House. Under this act, his lordship could summon whom he was pleased to select, over and above the duly elected delegates from each of the political units or hundreds.

It was made a felony "to shed the blood of any judge sitting in the Court." Thereupon followed the customary lists of felonies: burglary, robbery, assaults, etc., to which were added special offenses. The penalties laid down for these offenses were hanging and forfeiture of estate, "saving to the wife or widow her dower and to the heir his or her inheritance," etc.[7] Thereafter follows "an act allowing book to certain felonies." These felonies ran all the way from wilfully firing a stack of corn or tobacco to assaulting and beating the Lieutenant General of the Province; or a judge, a witness, or a juror in "presence of Court." The "cutting out of another's tongue" was deemed worthy of mention as particularly reprehensible, and all "like mischiefs." The hiding of a felon was in itself a felony; but exception was made in the case of a felon's wife, which may be cited as an early discrimination in favor of women, in view of the fact that no provision was made to excuse a husband, in the event he hid his wife found guilty of a like offense. "Stealth of one's self" is included among these felonies and meant "the unlawful departure of an indentured servant out of service or out of the colony without the consent of the master or mistress." The last-named list of felonies was distinct from the previous list, in that it appears a certain premium was put upon education in the case of the offender. The final section of the law reads:

> And the offender in these felonies or any of them shall suffer pains of death by hanging *except the offender can read Clerk like* in the judgment of the Court, and then the offender shall lose his hand or be burned in the hand or forehead with a hot iron and shall forfeit all his or her lands at the time of the offence committed, saving to the wife or widow her dower, etc.[8]

Following the customs of the times, these penalties were severe enough, *as prescribed;* but judges and juries found a way to make the punishment milder than those inherited from the mother country, particularly as every life counted in an undeveloped land. The laws and customs of England, transferred to America, soon lost their Old World inflexibility and became either dead letters or were greatly modified—except for a considerable period in Puritan New England.

In a list of "enormous offences" were enumerated such crimes and misdemeanors as perjury, forgery, contempt of court, bribery, the use of false weights and measures, extortion, oppression, and so forth. In this category were included the spreading of false reports and "conspiracy," the latter being defined as the "unlawful combination of two or more persons against another's life, fame, or goods." A special clause indicates that the freemen of the Province, as well as the Proprietary, were disposed to be fair and just in dealing with the natives, since it was decreed that "all injuries done to an Indian in person or goods" should be accounted among these felonies.

This Assembly passed upon the first public service conveyance in the establishment of a "ferry for the more safe and commodious passage of people to and from over St. George's River." The boats were to be privately owned; but for every such passage or "waftage" a fixed fee was to be charged: *viz.*, one pound of tobacco "to the owner" of the boat. Apparently, to encourage this private enterprise, and to insure against undue losses through lack of traffic or for other reasons, the act added a clause that the "levying of duties toward maintenance thereof shall be decided and censured [judged] in the Admiralty Court" of the Province.[9]

Simultaneously with the passage of the bill to insure justice for the Indians, the Assembly approved an act for military discipline which required all the able-bodied inhabitants of the colony to be thoroughly prepared against attack, subject to inspection of a "sergeant or marshall once in every month."[10]

The relations between the colonists and the natives have already been discussed: *viz.*, the unusually fair treatment accorded them by Governor Calvert; their response in kind; the treaty, and payment for the land; with a brief period of misunder-

standing, which was followed by renewed friendliness. The original treaty signed between the colonists and the Indians of southern Maryland continued as a permanent peace, except, perhaps, in the case of individual disagreements. On the other hand, the settlers were never assured of lasting peace with the more remote tribes. This was true not only of the warlike Indians to the north, such as the Susquehannocks, but also of the Powhatans to the south and west. The red men, whom the English writers and first settlers called "salvages" or "naturals," were not unobservant of the fact that the "palefaces" were extending their possessions and constantly coming across the great waters in increasing numbers, and that they were rapidly learning to adapt themselves to conditions that had at first proved fatal to the majority.

By 1640, it was evident that the Indians in Maryland were growing dangerously restless. Had there been an Opechancanough in the Province, or had the Maryland settlers dealt with the local tribes less honestly, Lord Baltimore's infant colony must have fared badly as did the Virginians at an earlier date; but happily there stood out no such wily and ruthless figure among the Yaocomicoes or even the Susquehannocks. From south of the Potomac, Opechancanough sent his emissaries far and wide, whilst he, at the age of eighty or more, prepared for the second great massacre of the hated invaders. Again, the whites were lulled into a feeling of unusual security before the blow fell; then the old man, carried upon a litter, was borne to the front. There could be but one outcome, although some five hundred Virginians in the outlying district fell victims to the old man's fury. After the first shock the settlers rallied. Opechancanough was captured; and, as a helpless prisoner, was shot by a soldier, who, it is thought, thus revenged himself for relatives slain in the massacre.

From other captured Indians it was learned that they had heard of the civil war in England; the wily Opechancanough plainly had expected victory because of this division; and there is little doubt that he had hoped the Indians north of the Potomac would be aroused to the wisdom of making a concerted attack upon the English settlements there. But Opechancanough was exceptional; other chiefs could not, or would not, adopt his plan. Consequently, nothing of so spectacular a nature hap-

pened in Maryland, and the records of the Province offer us only indistinct impressions of sporadic attacks upon outlying farms, scanty references in the proceedings of the Assembly, with a confused impression as to what was done by way of reprisal or counter attack or by negotiation. In fact, so much confusion exists that one is at first led to suspect that the Governor or members of the Council, like certain officials in Virginia, were so enamored of the profits in the fur trade that they were inclined to trust a mere display of force to satisfy the demands for action from those who had suffered. On the other hand, this theory does not appear to hold good as to Governor Calvert, because, in 1640–1643, he was particularly active in outlawing certain tribes and urging war against them. In 1643 certain members of the Council blocked immediate action; while, previously, in 1642, the freemen of the Assembly appear to have been the pacifists in the case.*

The opposition in this Assembly to the Governor's proposed "march against the Indians" involved important principles and precedents concerning the real or alleged rights of the freemen versus the declared prerogatives of the Proprietary; or, in this case, at least, of his brother and representative. In England Parliamentary objectors, regardless of apparent public danger, had frequently refused to grant levies for war unless assured of certain procedures safeguarding public interests in peace. This struggle was reënacted in the thirteen colonies, at one time or another, and in most of them at recurrent periods, either in regard to the claims of the King directly or to the claims of the representatives of royal (or proprietary) authority. By 1642, the Maryland colony had been settled a sufficient time for the development of political factions or parties. More and more distinctly there appeared the usual division between a "popular" faction on one side and a class, council, or governor's faction on the other. This was made particularly evident

*In reference to the Assembly's habit of debating, rather than providing for definite action, Father White wrote in 1642 that he was compelled to abandon the Pascataway mission because of its "proximity to the Susquehannocks," adding: "An attack having been recently made on a place of ours, they slew the men whom we had there, and carried away the goods, to our great loss. And unless they be restrained by force of arms, which we little expect from the counsels of the English, who disagree among themselves, we shall not be safe there."—*Annual Letters of the Jesuits,* 1642; *cf.* also, Bozman's *History of Maryland,* Vol. II, p. 251 *et seq.*

at the meeting of the special Assembly in August when for the first time a freeman, Robert Vaughn, "in the name of the rest, desired that the House be separated and the Burgesses to be by themselves and to have a negative." To this plea is appended no comment in the records—only the brief notation that "it was not granted by the Lieutenant General."[11]

Either by coincidence or by design, immediately thereafter arose "a great opposition" to the urgent plea from the Governor to proceed against the Indians. This opposition must have begun in the form of a debate as to the advisability of such a march. Governor Calvert, however, informed the House that he "did not intend to advise with them whether there should be a march or not, for that judgment belonged solely to himself, as appeared by the clause of the patent touching the power of war and peace; but to see what assistance they would contribute to it in case he should think fit to go; and a motion was made by the Secretary that a bill might be drawn up for the levying of twenty pounds of tobacco per head toward the charge of it.[12] Whereupon it appears that "The Burgesses desired to have the patent to peruse, and respite till next morning to advise of their answer."

Since even an approximately complete analysis of the records and of the real or apparent reasons for the differences between the Governor and the Assembly would exhaust the reader, it should suffice to say that the people evidently feared that future abuses would arise out of the proposed methods of calling out the freemen, particularly in regard to commissioning the officers of the militia.

The main points of interest and importance in the period of Indian agitation may be given in a few paragraphs, the principal disturbances occurring from about 1639 to 1649. At first numerous minor forays upon Kent Island settlers and others by hostile Indians of the Eastern Shore were coupled with attacks by the Susquehannocks, which were aimed chiefly at the friendly Patuxents and Pascataways. In the summer and fall of 1639 a punitive expedition was sent out against these Indians, but there are no records of any very definite results achieved, although a shallop was previously dispatched to Virginia to purchase supplies of food and ammunition for the forces engaged. Something may have been accomplished, however, for in the

following year (1640) it was held necessary to declare war against only one of the tribes instead of several. On July 10, 1641, Governor Calvert declared martial law in Kent Island; and directions were sent out to shoot all Susquehannocks, Wicomeses, and Nanticokes at sight.

At this time the news reached the Maryland settlers that the Susquehannocks and other Indians were being supplied with firearms by Dutch and Swedish traders on the Delaware and Hudson rivers, and that they were being taught how to use them. As conditions grew more and more threatening, Governor Calvert was constrained to write to Governor Berkeley of Virginia to urge joint action by the two colonies. In response to Leonard Calvert's appeal the matter was put before the Council of Virginia; but hereupon developed the beginning of a long series of failures to secure joint action in war operations among the Anglo-American colonies. There was always some real or alleged reason sufficient to prevent coöperation. Calvert referred, however, to "the joint-expedition made by both colonies," from which it would appear that there had been previously some kind of united action which may have been the first such military coöperation between the governments or the people of two English colonies.

Thereupon follows a tedious length of discussion and difficulties between the Governor and the Assembly, with respect to the manner of raising troops and supplies, to say nothing of minor marches against the Indians, of which there are only the vaguest accounts. In view of this confusion, the most important matter in connection with this period is the conflict between the Assembly and the Governor in regard to the Governor's effort to exempt the employees of the executive estates from military duties. Captain Thomas Cornwallis sturdily opposed this exemption, and although the point was at last formally yielded by the Assembly, it is worthy of record that no great march against the Indians was begun until during Leonard Calvert's visit to England, when it seems that Captain Cornwallis raised a company of volunteers, went out to meet the enemy, and defeated them.

This engagement won by Cornwallis's volunteers was a severe blow to the Susquehannocks, of which, unfortunately, there are

no records in the *Maryland Archives,* since there was no meeting of the Assembly until 1644. Yet pride of accomplishment over this achievement is seriously dimmed by the veil of mystery which lies over a second expedition led by Captain Cornwallis, whom Bozman aptly calls "the guardian genius of the Colony." This second expedition in the same year was directed "against the Susquihanoes or any [of] their aiders"; it must have met with some signal disaster—perhaps with Indian ambush. In any event, the author of *New Albion,* from which much of the foregoing information is gathered, writes only of victory and says nothing of defeat.[13] On the other hand, the Maryland records tell us nought of the victory but do make note of an apparent defeat; for in 1644 the Indian interpreter, woodsman, and guide, Captain Fleet, was sent for from Virginia, whither he had repaired, and was deputized to carry a big stick, and at the same time to speak softly to a delegation of Susquehannock Indians who had been invited to a conference at the Pascataway fort. One objective of the mission of Captain Fleet was to recover from the Susquehannocks "as much as he could get of the arms and goods lost or left in the last march upon them—at least the two field pieces." However, "marches" against, or negotiations with, the Indians were destined for all kinds of complications. Perhaps Captain Fleet never made the trip to Pascataway, because Secretary Lewger had irregularly taken upon himself to issue his commission without the authority of acting Governor Brent. In consequence of this carelessness, or design, Brent removed him from the Council and revoked all appointments granted to him.[14]

So ends the story of these attempted and actual operations up to the time of the Ingle irruption. The war was not waged with marked success; on the other hand, it is easily possible that, in frontier fashion, each outlying settler succeeded in accounting for at least one hostile Indian, or that the average in reprisal or defense may have amounted to more. The Indian tribes were not numerically large, so that the loss of even one warrior was often severely felt, while the loss of several greatly weakened any one tribe in its struggle with rival tribes in the red man's hereditary feuds. In any event, the Indians were being steadily pushed back under the advancing tide of English immi-

gration. If they recovered a little ground here and there, it was only to lose it again in the next few months, or certainly in the next few years.[15]

The departure of Leonard Calvert for England early in 1643 carries the narrative of current events back to the mother country; for the storm which was brewing there was destined profoundly to disturb the peace of the Province. Consequently, any effort to record the various happenings connected with the subsequent shifts and changes may be compared to an attempt to chronicle the recurrent revolutions of a South American republic in the middle of the Nineteenth Century. Unlike the affairs in the South American republics, however, these shifts and changes were thrust upon Maryland from without, and were not due to a selfish desire for office or because of mere restlessness on the part of some of the people.

The politico-religious troubles in England and Ireland began to affect the affairs of Lord Baltimore as early as 1641, when the Irish Rebellion broke out. Lord Baltimore's estates in Ireland suffered in the relentless warfare that ensued. In England, Parliament had begun to sit continuously after a lapse of more than a decade. The conflict between the King and the Anglican Church on one side, and the Commons and the Dissenters on the other, had been in progress for several years, although the actual clash of arms did not come until 1642.

Lord Baltimore was in a truly difficult position. At recurrent intervals, the officials of State and of the established Church made life burdensome to Roman Catholics; on the other hand —judging from the actions of the Puritans in New England and of Presbyterians in northern Ireland—Roman Catholics would fare worse under the rule of either of these than under the Anglican monarchy; but a strange thing appears to have happened. The impression got abroad that the Puritans, in return for Roman Catholic support in the Great Rebellion, would grant privileges to the latter that the Anglicans had refused. Some commentators believe that this rumor represented the more or less sincere sentiment of at least some of the leaders of the political revolt, and that it was part of their effort to gather under their banners all the disaffected in the kingdom. No doubt Lord Baltimore realized that if he should throw all

he had with the Stuart King; and if, thereafter, the rising tide of revolt should engulf the King and the Anglican Church, this would also overwhelm him, not only in England and Ireland, but also in America, where lay his greatest interests. He, therefore, remained loyal to Charles, but inactively so; on the other hand, it appears that he did not refuse to confer with the Puritans. It may be held that had he been possessed of private estates in England and Ireland only, the case would have been different; but to risk the complete ruin of the great enterprise in America projected by his father and founded by himself was unthinkable. His sympathies, like those of his father, were with the royal cause. On the other hand, should either side be overwhelmingly victorious he would have cause to fear the intolerance of the religious element involved in the factional political strife.*

When the royal cause and the authority of the established Church finally fell before the onslaught of Cromwell's Ironsides, any hope therefrom of extraordinary benefit that may have been held by Lord Baltimore was doomed to disappointment; for long before the collapse of the royal cause in 1649, a well-nigh overwhelming disaster had befallen his proprietary province across the sea. Leonard Calvert had returned to St. Mary's in September, 1644, to find the Province disquieted by rumors and distracted by agitations. Minor happenings, or the acts of individuals, frequently precipitate issues long held in suspense. In this case, the activities of one Richard Ingle precipitated a series of events that brought a vast deal of trouble upon the colony.

Ingle was a "ship-master" trading in tobacco. The first appearance of Ingle in the colonial records is under date of March 23, 1642 (N. S.); Captain Cornwallis had been a passenger on board his ship when that soldier-colonist returned to the Province. As an interesting sidelight, it may be added that after Captain Ingle had completed his trading in Maryland and Virginia, he carried his cargo to New England, where it seems, according to the Massachusetts records, that he was particularly pleased with the reception accorded him in that colony—

*"A mistaken policy had, it seems, suggested to the English and Irish Catholics to pay court to the Puritans, by joining in their wishes for the destruction of the established Church. In avoiding Scylla they fell upon Charybdis."—Bozman, *History of Maryland,* Vol. II, p. 202.

feated the intention of their framers by their very severity. For that reason, the period under discussion has been called the "age of perjury." If a man admitted guilt in a trivial offense, or in a single item of a general accusation, he might have all his property confiscated, be jailed for life, or sent to the gallows.

As early as August, 1644, persons trading between England and Virginia petitioned the House of Commons for permission to transport, duty free, arms, food supplies, and clothes to those in the colonies who were "well affected" toward the Parliamentary cause. Accordingly, seven or eight such vessels secured commissions of this character, one of which was the *Reformation*, commanded by Captain Richard Ingle. Entrusted by Cornwallis with £200 worth of goods, Ingle himself set sail for Maryland, where he arrived in February, 1645. He soon found that things were ripe for revolution. In the first place, Claiborne had actively revived his claims to Kent Island, and Leonard Calvert was busy visiting the authorities in Virginia to defend the rights of Lord Baltimore. Ingle landed an armed force from the *Reformation* or, according to Streeter, from several vessels.[19] He took possession of St. Mary's City, presumably making prisoners of those members of the Assembly and such others as offered resistance or objection. An oath of submission was then tendered the settlers, which many of the colonists refused to take. This gave Ingle an opportunity to treat them as enemies to the Parliamentary government, which was then professing to act for the whole of England.

Ingle was evidently sincere in his opposition to the King, and had shown considerable boldness in his early support of the Parliamentary cause. How sincere a Puritan he was is another matter; but, in any event, he took advantage of a convenient Puritan text as to the despoiling of the Egyptians by the Lord's chosen people; and in this case the Egyptians happened to be the Catholics and royalists in the Province. A "plundering time," apparently distinguished by no officially recognized government, followed. Much of what happened is not clear; but, curiously enough, the plundering was by no means universal, as might have been expected under the circumstances. Among the Catholic leaders, Secretary Lewger, for example, appears to have remained in the Province and to have fared well; but

others, including Leonard Calvert, fled to Virginia to the protection of those staunch royalists, Governor William Berkeley and Secretary Kemp, the latter being the protégé and ardent supporter of Lord Baltimore.

The statement afterward made by Captain Richard Ingle before Parliament contains a manifest falsification as to what Governor Calvert was planning to do against Parliamentarians and Protestants; so, on the other hand, the accusations made by some of the Proprietary partisans as to Ingle's conduct in the Province, both before and after his seizure of St. Mary's, are to be taken at something less than full value. Whilst one's sympathies are naturally with the Maryland colonists, whose ideals of peace and brotherhood, on the part of Protestants and Catholics alike, were rudely broken, nevertheless, it is quite incorrect to entertain the view that Ingle was primarily a pirate, buccaneer, or freebooter. Ingle did sanction or permit pillage, the extent of which was afterward, in the manner characteristic of the age, considerably exaggerated in official and partisan reports. Governor Calvert himself was prepared, on his return, to countenance some pillage of active opponents. On the other hand, Calvert permitted no pillage of nonresistants, whilst Ingle either himself profited by it or allowed others to do so. The thing most distinctly discreditable to Ingle was his treatment of the overtrustful Cornwallis, for which it is difficult or impossible to find an excuse. In time, however, when the representatives of the settlers or of the Council, both Catholics and Protestants, undertook to support Captain Edward Hill for Governor of the Province, the entire proceedings were acquiesced in by Ingle, even though Hill's commission was issued in the name of Leonard Calvert and countenanced by Secretary Lewger. Thus, without bloodshed or commotion, passed the rule—or irresponsible control—of this mysterious product of a distempered time.

It seems that some of the rebel force, supported by certain malcontents, stayed on for a while; but the irruption had run its course. A few months later, Leonard Calvert, raising an armed force in Virginia, returned to Maryland; and, with little or no active opposition, again took up the reins of government. The Proprietary Governor appears to have been welcomed home by all save certain individuals who had taken advantage of

the invasion to do some plundering on their own account, notably those who damaged the house and killed or carried off the live stock of the absent Cornwallis, who was soon to be welcomed back to the colony.

During this invasion of Ingle [says Bishop Russell] the saintly Father White, then sixty-six years old, together with Father Copley, was carried off in chains to England. Father White, the "Apostle of Maryland," though he longed to return to the scene of his labors and trials, was not permitted by his superiors to do so on account of his age and infirmities. He expired in England in 1656. Two other priests, Revs. Roger Rigbie and John Cooper, found their way into Virginia, where both died in 1646, leaving the Catholics without any spiritual guides.[20]

Having attempted to set forth the important phases of this much discussed "rebellion," which, more properly, perhaps, may be styled an "irruption," it is possible to turn our attention to the general course of events in the Province during the period of the Civil War in England, which includes Claiborne's temporary repossession of Kent Island and the beginnings of Puritan migration from Virginia.

Ingle seized St. Mary's in February, 1645.[21] Prior to that, Governor Calvert had gone to Virginia, in order, according to Bozman, "either to come to some éclaircissement with Clayborne or to apply to the government of Virginia, which was still opposed to the parliamentarians, for its interference on behalf of his province." Against the period of his absence the Governor had "nominated and deputed his well-beloved cousin William Braithwaite to be lieutenant-governor" in the stead of Captain Brent. During the temporary absence of Governor Berkeley in England, Claiborne had renewed his claims to Kent Islands, and sometime during Ingle's occupancy of St. Mary's, he regained possession, but the transactions are thrown into considerable obscurity. This much seems clear, however: Formerly, the inhabitants had been Claiborne's staunch supporters, willing to fight against the claims of Lord Baltimore; since then they had lived in peace under the Proprietary, with trade advantages superior to those they had enjoyed under the royal government of Virginia; and they were loath to reopen the dispute. Claiborne, however, ordered no confiscations, and although the overthrow of Proprietary authority on the island and at St. Mary's City is, by the older commentators, called the "Clai-

borne-Ingle Rebellion," the term is quite misleading; for there is no proof that Claiborne collaborated with Ingle or even approved of his usurpation of authority. Neither one interfered with the other, although each one automatically aided the other to bring their respective plans to a successful, though temporary, conclusion. Apparently, Claiborne sought only to regain his alleged possessions and made no hostile move against the Province in general.

An argument, begun with the event itself, has been carried on ever since as to whether Edward Hill was commissioned Governor of Maryland by Leonard Calvert or elected by the Assembly at St. Mary's; or, again, whether the proceeding, in either case, was legally inadmissible, or only some of it. Streeter, also, has expressed the opinion[22] that some of the Council conceived the idea of making Hill Governor under that clause in the latest commission from the Proprietary which authorized the election of a substitute, in case "our said lieutenant may happen to die, or be absent from time to time out of the said province."[23] Whether the proceedings were secretly authorized by Calvert, or whether Hill was irregularly chosen by the Council, his appointment or selection appeared to offer a happy compromise for all concerned and he began his rule without opposition from Ingle or his following.

In any event, Hill called the Assembly together; but, in the meantime, Leonard Calvert was keenly watching affairs in Maryland. Having at least the informal approval of Governor Berkeley, he was able to get together an armed force with which he surprised the Assembly, took Hill and all the members prisoners, and received the prompt submission of the people.[24] This *coup d'état* was accomplished with so much ease and dispatch that it would seem it had moved by prearranged schedule. Governor Calvert and the deposed Hill quickly reached an apparently amicable agreement, under the terms of which Hill received certain compensations in the promise to pay him all arrears due him under his commission. Hill retired to Virginia, and no action was taken against any of the Hill faction.

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that it appears Calvert received the Assembly in the form of a *bicameral body,* as formerly proposed by Robert Vaughn but rejected by Governor Calvert.

The return of Calvert to St. Mary's appears to have been wholly unexpected by Claiborne, though the latter had been appointed Treasurer of the colony of Virginia for life. Governor Berkeley and Secretary Kemp must have known of Calvert's plan of action, but in this matter their sympathies and those of Claiborne were evidently at odds. When, early in 1647, the news of Calvert's return reached Claiborne, he knew almost for a certainty that Calvert's restoration to Maryland meant his own forced return to Virginia, unless he could strike the first blow. According to Streeter, he had seized Kent Island professedly under a commission from the Governor of Virginia. With the help of the islanders and some forty others, who had come with him from Virginia, he now proposed to move against St. Mary's and take Governor Calvert prisoner. Preparations for the enterprise were actually under way when some of the more prudent desired to see the authority under which he acted. Claiborne declined to show it, whereupon the greater part drew back from the enterprise.

> He then proposed [says Streeter] that they should go under the lead of his cousin, Richard Thompson, offering to take them down to Point Lookout in pinnaces, and then to go over to Chicacoan and send them reinforcements; but the people refused, and after a day or two, Claiborne embarked for Virginia, convinced that it was not in his power to prevent Leonard Calvert from extending his sway over the island, as well as the rest of the Province. This was accomplished in April, 1647; on the 16th of which month, after reducing the island, Calvert issued a pardon to the principal offenders, for their crimes of rebellion and all other offences, previously committed within the Province.[25]

As Leonard Calvert approached the end of his labors, a new kind of trouble, the result of his military move upon St. Mary's, arose to vex him, and, incidentally, his successor after him. He had promised the soldiers some form of compensation for their services in restoring him to office; but he had made it clear to them that if he met with no resistance, they should not have the privilege of pillage. In that case he would receive the inhabitants in peace and employ the soldiery only in the "reducement

of Kent." It was understood that compensation, in the absence of the use of force and consequent pillage, should be forthcoming to the soldiers from the proceeds of his lordship's estates. This matter was brought to the attention of the Assembly by certain sworn deponents as soon as that body had been convened by Governor Calvert. Evidently the freemen wished to know at once how matters stood in reference to this imported company of soldiers directly under the Governor's control. What turn or turns the discussion took or how the Governor explained the matter is not known; but the settlement of the payment was postponed, and Governor Greene fell heir to it, as will be seen hereafter.

The last act of the first Governor of Maryland was to issue a commission relative to Kent Island. This was delivered to Robert Vaughn under date of May 31, 1647. On June 9th, surrounded by friends and relatives, Leonard Calvert passed to his reward. Some writers have, perhaps, rated his abilities too highly; but in the words of the old saying, the colony "might have gone farther and fared worse" in the search for a better man. He appears to have made mistakes in the choice of human instruments; and, at times, he antagonized the cause of the people, who were reaching out, in American fashion, for greater freedom; but in all this he was proceeding on the assumption that such conservatism was ultimately for the public good, and that too much discretionary power for the masses would prove their undoing. Throughout his career in Maryland he was beset by many and exceptional difficulties, and yet it may be said of him that he emerged triumphant. Save for brief intervals or interruptions, he was the acting Governor of the Province for the first thirteen years of its existence.

Upon his deathbed, Governor Calvert, by virtue of his commission from the Proprietary, appointed Thomas Greene, planter, Royalist, and Catholic, as his successor. This appointment was duly proclaimed in the Province on the following day, June 10th, the witnesses in the matter being Mistresses Margaret and Mary Brent, Francis Anpetill, and James Linsey.

In addition to appointing Thomas Greene as Governor, Calvert made his kinswoman, Margaret Brent, sole executrix of his will under the brief instructions to "take all and pay all."

And this last will and testament introduced the woman who is so often referred to as "the first woman suffragist," for the reason that as "administratrix" and subsequently acting attorney to the Proprietary's estates she appeared before the General Assembly of the Province on January 21, 1648, in the following interesting and perhaps unique record:

> Came Mrs. Margaret Brent and requested to have vote in the house for herself and voice also; for that at the last Court 3rd January, it was ordered that the said Mrs. Brent was to be looked upon and received as his Lordship's attorney:
>
> The Governor denied that the said Mrs. Brent should have any vote in the house.
>
> And the said Mrs. Brent protested against all proceedings in this present Assembly, unless she may be present and have vote as aforesaid.[26]

This able and energetic woman had arrived at St. Mary's in 1638, together with her sister Mary and two brothers, Giles, afterward governor, and Fulke. She and her sister, having brought over with them indentured servants, took out a patent for property known as the "Sisters Freehold" near St. Mary's City. The provincial records are full of references to Margaret Brent's activities, not only in the management of her own and her sister's affairs, but as executrix of the deceased Governor, and as an agent or representative appearing "on behalf of her brother, Captain G. Brent," her name appearing in the Judicial and Testamentary Business of the Provincial Court alone no less than 124 times from 1642 to 1650. Browne declares that,

> In view of subsequent occurrences, one is tempted to think that if he [Leonard Calvert] had reversed his testamentary dispositions and made Greene his executor and Mistress Brent governor, it would have been, on the whole, a better arrangement.[27]

Considerable justification for the above statement may be seen in Mistress Brent's management of the arrears due the soldiers brought into the Province by Leonard Calvert from Virginia, by means of whose services he had regained the government. According to a statement by Scharf, Captain Edward Hill, the deposed executive, was in eager expectation of an opportunity to return to Maryland and had established quarters across the Potomac with that end in view.[28] There is no doubt, however, that Hill was demanding satisfaction for un-

paid debts due him, and that he was at Chicacoan, on the Virginia bank of the Potomac. Under such circumstances, a mutiny of the soldiers, aided by the disaffected element within the settlement, would have greatly imperiled the peace and welfare, and possibly the very existence, of the colony. When, therefore, the soldiers threatened rebellion, Governor Greene, albeit he had acted promptly to prevent the invasion of possible enemies from without, seemed lost in indecision as to the soldiers within. Margaret Brent, however, came forward and quieted the complainants at the expense of the Proprietary's estates. Subsequently, when Lord Baltimore objected to this proceeding, the Maryland Assembly testified on her behalf in the following appreciation:

> As for Mrs. Brent's undertaking and meddling with your Lordship's Estate here (whether she procured it with her own and others importunity or not) we do verily believe and in conscience report that it was better for the colony's safety at that time in her hands than in any man's else in the whole Province after your brother's death; for the soldiers would never have treated any other with that civility and respect; and, though they were even ready at several times to run into mutiny, yet she still pacified them till at last things were brought to that strait that she must be admitted and declared your Lordship's Attorney by an order of Court (the copy whereof is herewith inclosed); or else all must go to ruin again, and then the second mischief had been doubtless far greater than the former.[29]*

That Margaret Brent acted wisely on behalf of the Province may scarcely be doubted; and it seems also clear that she acted properly in regard to her emergency levy upon the Proprietary's property—over and above the evidence of public approval registered by the Assembly—since the members of that body may be regarded as an interested party in being relieved from a dangerous situation without the imposition of an extraordinary tax upon themselves. Additional evidence is derived from several sources, notably the sworn oath of Captain John Price and the depositions of Walter Pakes, Lieutenant William Evans, William Whitle, and Martin Pheypo, each of whom testified to

*Mistress Brent had troubles upon her own estate, but she handled them with decision and dispatch. In the *Proceedings of the Assembly* of February 29, 1648, we find the following entry: "William Whitle, Stannop Roberts, & William Hungerford petition for themselves and several soldiers against the estate of Mistress Margaret Brent for their wages. And the said Mistress Margaret Brent promised to send down to Virginia with all speed ready tobacco to be procured by her, to buy provisions of diet of them, most importuned and desired by them."

having heard Governor Calvert say that the "wages of the soldiers" were to be paid from the proceeds of his own and the Proprietary estates.*

If it should be asked why the proceeds from Leonard Calvert's estate were not sufficient for the soldiers, the reply is that after some thirteen years of service Leonard Calvert had personal property valued at only one hundred and ten pounds, and the records show that he was frequently involved in litigation over his failure to meet numerous minor debts due, from time to time, to various creditors. The inventory of his effects runs the scale from "a large frame house with 100 acres of land" and a "large house with 3 manors belonging to it at Piney Neck" to such items as:

	Value in tobacco lbs.
Impr. 13 books	0160
It. 3 lb. Sugar	0036
1 pair shoes	0040
a silver sack cup	0150
1 very old feather-bed	0060
an empty case without bottles, & another old case of 4 bottles	0010
a blue jug	0006
5 old pewter dishes, 1 basin, 5 plates	0150
12 pewter spoons	0024
4 axes, one broken	0030[30]

The appraised value of the three pounds of sugar considerably exceeded the value of the twelve spoons and was given a higher rating than "3 small bitts of Sylver plate," a "great old square chest," and a number of other articles of furniture or wearing apparel. Furthermore, the said three pounds was listed immediately after the library of thirteen books and in front of every other article in the Governor's estate.

During Leonard Calvert's administration, there were lean years as well as good years in the life of the Province. According

*Subsequently to the trouble pursuant upon the beginnings of the Puritan régime in the Province, Mistress Brent removed to Westmoreland County, Virginia, where she took up several hundred acres of land in a plantation named "Peace." There she made her will in 1663 and died about ten years later. This further enforces the truth of what may be termed the mutually pleasing thesis that the two sister colonies "Leah and Rachel" acted as alternate places of refuge to distressed Marylanders or persecuted Virginians. Because of the differences of opinion arising out of the Claiborne-Baltimore controversy and the Maryland-Virginia boundary claims, not a little that is favorable to either colony has been omitted by the historians of the other.

Anne Arundel, Wife of Cecil Calvert, Second Lord Baltimore. After painting by Vandyck

to the incomplete records, the bad years were due to an epidemic, as in 1638, and to drought, as in 1640, and then, at others, to unrest or uncertainty as to the status of the government. This latter must have been the case in 1647, for in that year there was great scarcity of corn reported at the fort of St. Inego's, the chief storehouse or granary of the Province. Without any positive knowledge as to the cause of this unusual scarcity, it would be fairly safe to attribute it to the failure to enforce the salutary two-acre corn planting act during the period of Ingle's irruption. At any rate, on behalf of the public safety, Governor Greene ordered that corn be "pressed" at a stipulated price. In a palatinate, it was assumed that the Lord Proprietary or his representative could follow the precedent set by the King, of purveyance to His Majesty; or possibly it was analogous to the "pressing" of ships, carts, wagons, or provisions in time of war.[31]

Governor Greene had held office only for about a year when Lord Baltimore saw fit to remove him, ostensibly, perhaps, for handling certain "matters against Lord Baltimore," but largely to conciliate the Puritan element in England.[32] Under the terms of a commission issued at Bath, the Lord Proprietor directed that Governor Greene should give way to William Stone, a Protestant and partisan of Parliament, who had been for some years High Sheriff of Northampton County in Virginia.[33] The new commission prescribed a precise and formal oath to insure the loyalty of future governors. The Governor's duties and limitations were more clearly defined; he was to bind himself not to molest or discountenance any person professing to believe in Jesus Christ, and, in particular, no Roman Catholic. In the matter of appointing men to office the Proprietary laid down the rule that no distinction was to be made as to religious predilections.

Further examination of the commission of William Stone shows a strange combination of wise and liberal provisions coupled with an unfortunate disposition on the part of the Lord Proprietor to renew emphasis upon the autocratic provisions of the Palatinate powers as outlined in the charter of the Province. He first granted the new Lieutenant General greater powers in the making of appointments. The latter was even authorized to appoint members of the Council in addition to

those nominated by the Lord Proprietor—only these were subject to removal by the Proprietary. In return for greater privileges he was limited in his powers of assent to the repeal of legislation already enacted or to be enacted; but the most ill-timed provision was an apparent effort on the part of the Proprietary to seize this opportunity to revive a prerogative which he had yielded to the Assembly some ten years before—*the right to initiate legislation.* The commission was accompanied by "three sheets of parchment" on which were some sixteen laws which the Lord Proprietor wished presented to the General Assembly for enactment.

The new Council of the Province, as nominated by Lord Baltimore, consisted of ex-Governor Thomas Greene, Captain John Price, Thomas Hatton, John Pile, and Robert Vaughn, and it will be noted that the Governor was not named as a member of the Council as before. According to the declaration of the principal Protestants of April, 1650, it appears that this Council, with the exception of ex-Governor Greene and John Pile, were Protestants. The commission and the nominations were brought over directly from the Lord Proprietor by Thomas Hatton, newly appointed Secretary in place of John Lewger. In addition to making Captain John Price "muster master general," his lordship appointed Robert Vaughn commander of Kent Island with executive and judicial powers not unlike those of the Lieutenant General of the Province. These prerogatives were conferred upon the commander of Kent probably as a measure of defense against the machinations of Captain Claiborne.[34]

PART II: THE ACT CONCERNING RELIGION

The Act Concerning Religion passed by the Maryland Assembly in 1649, is usually referred to by Maryland historians as the "Toleration Act." The nomenclature appears to have been a mistake, in that it creates a false impression. If the claims of Maryland to priority or leadership in establishing toleration, with the separation of the functions of Church and State, are based upon this particular legislation, then these claims merely represent a toleration limited to those who professed belief in the divinity of Jesus Christ. True, this tolerance included Puri-

tans, Anglicans, and Roman Catholics; but Jews, Unitarians, and others who questioned or denied this tenet were subject to severe penalties, including confiscation of property and loss of liberty or of life itself. Partly because of claims based upon this Act, all claims by Maryland to preëminence in the matter of toleration have repeatedly been denied.

By the terms of the Act, blasphemy and nonconformity with certain beliefs or dogmas of Christian faith were punishable with death; previously, these questions had not been raised. Lord Baltimore and his Catholic and Protestant supporters had diligently sought to avoid, and did avoid, prescribing penalties of any kind for any differences in belief. In other words, it clearly appears that this so-called Toleration Act was but a delimiting expression forced upon the ideals or wishes of the Proprietary and the actual practices of the early settlers. It was the response to the threat of a powerful outside force inimical to the principles of toleration; and this force was, for a while, held off by means of this enactment. Rightly, therefore, the Act of 1649 is a compromise between the liberal practices in the Province during the preceding period of fifteen years, and the drastic restrictions which were subsequently instituted.*

As above stated, William Stone, a Protestant and a Virginian, was appointed Governor in the place of Thomas Greene, Roman Catholic and Maryland colonist. This change was ordered by the Proprietary, who also reorganized the Council, allowing the Protestants a majority in the Upper House, as, apparently, they had held a majority in the House of Burgesses. Evidently, Governor Stone was in complete agreement with the policy of Lord Baltimore as to the maintenance of religious liberty; nevertheless, the Proprietary felt it advisable to require the Governor of the Province to make formal oath "not to molest or discountenance any persons of any form of Christian faith, for, or in respect of religion," to which was added a clause specifically protecting Roman Catholics from persecution. Hence, the subject of toleration was officially brought forward by the Proprietary only when the ideal of the founders was threatened. Previously, Lord Baltimore had expressed himself informally in his instructions to the colonists, which

*For the terms of the Act Concerning Religion see Appendix, p. 697.

counsel harmony, with no questionings as to any man's faith. Furthermore, his instructions to his brother were most positive that the Church must not interfere with affairs of State, and that its ministers and its property were to be subject to the government, as in the case of all other individuals and interests.

It should be recalled that early in 1649, Charles I had been executed and, in England, the Parliamentary party was in complete control. To the government established by this party Lord Baltimore had previously declared allegiance. On April 2d of the same year, Governor Stone called a meeting of the General Assembly of Maryland. After the passage of the "Act Concerning Religion" and sundry minor laws, this Assembly was dissolved on April 21st. The Act may be separated into two distinct parts, with separate preambles or introductory expressions, the first introduced by *forasmuch* and the second by *whereas*. These two parts are sharply differentiated. The one bears at least the earmarks of the tenets and practices of the actual founders of the Province; the other as clearly points to or forecasts the spirit of those who, during the Puritan interregnum, were soon to overthrow these practices. One part appears to have been offered by Catholic and Protestant supporters of religious toleration, subject to minor modifications by the Puritan element, while the other distinctly shows the influence of the new element in the Province that was shortly to take possession for a period of several years.

Those sections of the Toleration Act which illustrate the influence of those in sympathy with Lord Baltimore's ideas bear his original instructions directed against the disparagement of any group or individuals calling themselves Christians. The very "calling of names" of the various forms of faith was forbidden, if done by way of expressing contempt. In fine, no one was to be termed, in reproach or derision, "an heritick, Scismatic, Idolator, puritan, Independent, Prespiterian, popish priest, Jesuite, Jesuited papist, Luthern, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist." To this category, a clause was added including "any other name or terme" used "in a reproachful manner, relating to a matter of religion." The provision was added that the person guilty of offering such reproach should be obliged, in expiation of his offense, to ask "publiquely" the offended person's for-

giveness. Incidentally, half of the fine imposed was to go to the offended person—a well-meant provision which, however, carried with it an additional source of trouble.*

At this point one not unnaturally propounds the query whether toleration had previously been accorded to Jews, Unitarians, and those not "professing to believe [in the divinity of] Jesus Christ," seeing that these were, by inference at least, excluded from the protection of the Act Concerning Religion. By way of answer, the records of the Province show that prior to 1649 there were sundry individuals in the Province unattached to any sect. But in regard to Jew or Gentile, it is significant that there is absolutely no record of official persecution on account of any religious belief or lack of belief—from the founding of the Province to the beginning of the period of Puritan control under the Commonwealth régime.

It was during the Puritan interregnum that there came into the colony the first Jew of incontrovertible record; namely, Dr. Jacob Lumbrozo. A settler affiliated with the Quakers charged Lumbrozo with "uttering words of blasphemy against our Blessed Saviour Jesus Christ"; and blasphemy was, according to the provisions of the Act of 1649, punishable by death. John Fossett, the first witness in the trial of Lumbrozo, deposed

that half a year before, at Richard Preston's house, he had spoken with Lumbrozo, concerning our Saviour, saying the resurrection proved He was more than man, as did also His miracles. To the first Lumbrozo answered that His disciples stole him away, and to the second, that the miracles might be done by sorcery.

Further, we read:

Richard Preston did testify that about June or July last coming from Thomas Thomas's in company with Josias Cole and the Jew doctor, known by the name of Jacob Lumbrozo, Josias Cole asked Lumbrozo whether the

*The term "Sabbath," as employed in the "Act Concerning Religion," illustrates the Puritan influence in the Assembly; for this term would not, at that time, have been employed by any gathering composed wholly of Anglicans or Catholics. It would be interesting to know if the Assembly effected a compromise in the matter of "Prophaning" the said "*Sabbath* or Lord's day *called Sunday.*" The Act did not state, in full Puritan fashion, that *all* profanity was to be proscribed; but that profanation of the Lord's Day consisted in "*frequent* swearing." Later, the Puritans in Maryland extended the inhibition of profanity to all days in the week.

In any event, the Act *did not,* as a distinguished commentator has expressed it, "simply formulate in a statute what had been Lord Baltimore's policy from the first," because it limited that policy and gave ground for prosecution in regard to religion.

Jews did look for a Messias? And Lumbrozo answered, yes. Then Cole asked him how did He [our Saviour] do all his miracles? And Lumbrozo answered that He did them by magic art. Then Cole asked him, how His disciples did do the same miracles? And Lumbrozo answered, He taught them His art.

In his defense, Lumbrozo declared

that he had some talk with those persons, and . . . answered to some particular demands they urged, and as to that of miracles done by magic he cited Moses, and the magicians of Egypt. But said not anything scoffingly, or in derogation of Him Christians acknowledged for their Messias.[35]

Lumbrozo was ordered to appear before the next Court; and it is quite possible he would have suffered the extreme penalty prescribed in the early part of the Toleration Act: but, happily, before his trial was completed, Lord Baltimore regained control of the Province and took the occasion to grant the persecuted Hebrew full rights of citizenship. Five years later Lumbrozo was sitting on a provincial jury, with no objections in evidence from citizens of any faith.[36]

Again, by way of illustration of the liberality of Lord Baltimore in comparison with what were admittedly the most liberal customs in other colonies, it should be added that, in the same year in which Lumbrozo was granted citizenship in Maryland, Rhode Island passed an ordinance definitely excluding Jews and Catholics from the full rights of citizenship. This was followed, as late as 1762, by the decision of the Supreme Court of that Province, disallowing the petition of two Jews who had sought citizenship. The Court declared that to admit them was "wholly inconsistent with the first principles upon which the colony was founded."*[37]

It is evident that the Act Concerning Religion, like numerous other enactments of former times, cannot properly be interpreted without a knowledge of the circumstances under which it was passed and of the events and practices in the Province prior to its passage. Viewed merely in the light of modern practice, one may, conceivably, reach the extreme opinion of one

*Roger Williams said of the Quakers that they were "insufferably proud and contemptuous." He held, further, that "a due and moderate restraint and punishment of these incivilities, though pretending conscience, is so far from persecution, properly so called, that it is a duty and command of God."[38] His expressions about the Papists one prefers not to print; they may be found in Bartlett's edition of the *Letters of Roger Williams,* pp. 306–311.

commentator, that the Act was a "most disgraceful piece of intolerance."[39] On the other hand, the eulogium of the usually calm jurist-historian McMahon, that the Act was "one of the proudest memorials of our colonial history," may well be questioned. Yet McMahon's encomium would be justified, and unique honors given the enactment, if it had but confirmed the principles of freedom of conscience with the coördinate separation of Church and State as actually practised in the Province from 1634 to 1649.

It cannot be too strongly emphasized that in respect to the enjoyment of religious liberty the very silence of the Provincial records is convincingly eloquent. The total absence of such cases, where adherents of hitherto antagonistic forms of faith were dwelling side by side in daily contact, shows that the plan of religious freedom provided by Lord Baltimore and heartily supported by the majority of the Catholic and Protestant settlers was effective in providing peace and happiness in such measure as had not before been enjoyed. Under the original form of government, two especially interesting cases involving religious disputes came up for official action. Both were decided, not so much in favor of one litigant or the other, but in favor of the principle of religious freedom.

In the records of the Provincial Court for July, 1638, may be found an account of the trial of William Lewis, who was charged with having offended against the custom of the Province in an effort to proselyte Protestants; and, by reason of such disputations, with disturbing the peace. The exact record is well worth reproduction, changed only as to orthography and punctuation:

The Process against William Lewis, Francis Gray, Robert Sedgrave, etc.: On Sunday the first of July, William Lewis informed Captain Cornwaleys that certain of his servants had drawn a petition to Sir John Harvey;* and intended at the Chapel† that morning to procure all the Protestants' hands to it. Whereupon the Captain (calling unto him Mr. Secretary) sent for Robert Sedgrave (one of the parties informed of) and examined him thereof, who confessed he had drawn a writing and delivered it to Francis Gray, who being likewise examined, had the writing to his bosom and delivered it to the Captain. The writing was of this tenor:—

"Beloved in our Lord, etc. this is to give you notice of the abuses and

*The Anglican governor of Virginia.

†The Protestants' Chapel, where the equivalent to modern "union services" were held.

scandalous reproaches which God and his ministers do daily suffer by William Lewis of St. Inego's, who saith that our Ministers are the Ministers of the devil; and that our books are made by the instruments of the devil, and further saith that those servants which are under his charge shall keep nor read any books which doth appertain to our religion within the house of the said William Lewis, to the great discomfort of those poor bondmen which are under his subjection, especially in this heathen country where no godly minister is to teach and instruct ignorant people in the grounds of religion.

"And as for people which cometh unto the said Lewis or otherwise to pass the creek, the said Lewis taketh occasion to call them into his chamber, and there laboureth with all vehemency, craft, and a subtlety to delude ignorant persons. Therefore, we beseech you, brethren in our Lord and Saviour Christ Jesus, that you who have power that you will do in what lieth in you to have these absurd abuses and herediculous [sic] crimes to be reclaimed, and that God and his ministers may not be so heinously trodden down by such ignominious speeches . . ."[40]

After sundry charges and counter charges had been brought before the Court, Secretary Lewger[41] found Lewis

guilty of an offensive and indiscreet speech in calling the author of the book an instrument of the devil; but acquitted him from that he was charged withal in the writing, that he used that speech touching Protestant ministers in general.

The record further states that

The Captain [Cornwallis] likewise found him [Lewis] to have offended against the publique peace, and against the proclamation made for the suppressing of all such disputes tending to the cherishing of faction in religion.

Secretary Lewger imposed upon the offending Lewis a fine of "500 lbs. of tobacco on one count"; Captain Cornwallis, "500 lbs. on two counts." Governor Calvert, the third member of the Court, concurred in both judgments, "and William Lewis was committed to the sheriff."

The second such case affecting religious disputes came up before the General Assembly in March, 1642, when it appears that Dr. Thomas Gerard, a prominent Roman Catholic landholder, had carried away the key of the chapel in which the Protestants were accustomed to hold services at St. Mary's, whence, also, he took away some books which, perhaps, he deemed offensive or heretical. The *Proceedings of the Assembly* in this case are much less complete than that in the case of the Protestant bondmen against William Lewis. The Assembly records do not state the defense for Dr. Gerard—merely the accusation against him. It appears, however, that Dr. Gerard

held some claim against the building or to the land upon which the chapel rested, and that he had rented it to the Protestant congregation. The brief record is herewith appended:

> The petition of the Protestants was read complaining against Mr. Thomas Gerard for taking away the Key of the Chappel and carrying away the Books out of the Chappel, and such proceedings desired against him for it as to justice appertaineth.
>
> Mr. Gerard being charged to make answer, the house, upon hearing of the Prosecutors and his defense, found that Mr. Gerard was Guilty of a misdemeanor and that he should bring the Books and Key taken away to the place where he had them and relinquish all title to them or the house, and should pay for a fine of 500 lbs. tobacco towards the maintenance of the first minister as should arrive.*

The policy of the Proprietary in separating the spheres of Church and State was challenged by the tendency, exhibited by Jesuit priests, to acquire land directly from the Indians without regard to the charter prerogatives of the Proprietary. Since, by rule of their order, the individual Jesuit could own no property, this land was acquired from the Indians on behalf of the Society of Jesus. The Jesuits sought further to secure for the Church temporal prerogatives by reason of its possessions and retainers; for the property had to be managed, and the lands so acquired were put under cultivation. The controversy between the Proprietary and the Jesuits in Maryland brings into clearer light than anything else in the history of the Province the advanced views held by Cecil Calvert as to the relations between Church and State.

From the point of view of the Jesuits the direct acquisition of Indian lands was a natural and proper proceeding—a continuance of a custom of the Old World. When, therefore, the Roman Catholic Proprietary of the Province demanded that this practice be abandoned as an encroachment upon his charter rights and his political policies, the Jesuit missionaries, conscious of enduring every possible danger and hardship for the conversion of the heathen, felt greatly aggrieved. The parties to the controversy approached the issue from different standpoints. The Jesuits, under the leadership of Thomas Copley,

**Archives,* Assembly Proceedings, I, p. 119. Since the Anglican-Royalists and the Puritan-Parliamentary parties in England had not, as far as the colonists then knew, begun the physical clash for control of the government, the Assembly must have meant by the "first minister" a clergyman of the established Church.

who was born in Spain, based their contention for clerical privileges and exemptions upon the usual practices in Roman Catholic countries. Lord Baltimore, an English adherent of the Roman Church and therefore a dissident from the State-established religion of his country, was opposed to encroachments by the priesthood upon his secular prerogatives. The pretensions of the missionaries involved a challenge to the claim of the Proprietary to the soil of the Province as conveyed to him by his charter; furthermore, the Jesuits asserted that under the provisions of the Papal Bull, *In coena Domini,* ecclesiastics and ecclesiastical property were exempt from the jurisdiction of civil authority.

Both sides showed an immediate determination to stand on the ground taken, and the dispute was joined in such wise that Lord Baltimore's project was, for a time, apparently placed in as great jeopardy from representatives of his own church as from the Anglican priesthood and Parliament. And this struggle with zealous opponents of his own household of faith was added to the trials he had to bear from enemies in England, the contest waged by Claiborne in both continents, the irruption of Richard Ingle, and the subsequent domination of the Province by the Puritans.*

Over and above the main dispute as to the Jesuits' method of acquiring land, with its decidedly irregular civil aspects in regard to the prerogatives of Lord Baltimore, there were several other points of difference between the Maryland missionary priests and the Proprietary. These differences were urged principally by the Reverend Philip Fisher, who managed and held the major part of the Catholic Church property under the name of Thomas Copley, Esq. The points brought up by Copley, presumably with the support of the other priests, consisted of objections: (1) to the introduction of "secular" (Roman Catholic) clergy into a field which the Jesuits desired to appropriate; (2)

*Fifty years later Cecil Calvert's son was to have half his territory taken from him by a king who was of his own faith and said to be most favorably inclined to the order of the Society of Jesus. This was one of the curious twists of fate recorded in history. There is no known connection between the attitude of James II toward the third Lord Baltimore and the Baltimore-Jesuit differences. Penn was certainly no Roman Catholic when he overran Lord Baltimore's grant; and in the end Cecil Calvert had apparently secured the support of the highest authorities in the Jesuit order.

to the payment of quit-rents to the Lord Proprietor; (3) to assessments for military purposes; (4) to compulsory military service on the part of their servants; (5) to having the civil laws apply to their adherents or those employed in cultivating the lands of the Church; (6) to the Proprietary's ruling that priests and their attendants should obtain the customary license from the government in the matter of visiting or trading with the Indians; and (7) they insisted that the relinquishment of any ecclesiastical privileges should be voluntary with them, the priest being the judge of the occasion.[42]

The fact that Lord Baltimore so resolutely contended with one of the most powerful ecclesiastical orders of his day, regardless of consequences, affords the most convincing evidence of the sincerity of his purpose to establish freedom of conscience; and, even more particularly, to bring about the complete separation of Church and State, a consideration distinct from that of religious freedom and yet essentially a part of the toleration plan. His unalterable determination to establish this principle and his ultimate triumph may be said to constitute his chief title to eminence among the immortals.

It must not be overlooked that, by the terms of the Maryland Charter, Cecil Calvert was made "absolute Lord and Proprietary"—in other words, he was not only a ruler, but he was also granted all rights to the soil. On that basis, he issued grants of land to settlers after the terms described in the foregoing chapters. According to Kilty's *Land Holder's Assistant,* Thomas Copley, Esq., made an original demand for lands, under the Conditions of Plantation of 1636, for transporting "Mr. Andrew White, Mr. John Altham and thirty others" in 1633; also, "Mr. John Knowles and thirteen others" in 1637. Of the 28,500 acres of land which he obtained by virtue of this transportation of emigrants, he "retained 8,000 acres for the Society of Jesus and the use of the Church. The first tract which he took up for the Society was 2,000 acres, called St. Inego's; 1,000 acres, called St. George's Island; and 400 acres of town land, about the town of St. Mary's."[43] A few years after the first settlement at St. Mary's, Thomas Copley was appointed by the Jesuit authorities to succeed Father White as head of the Maryland Mission. According to the Reverend Thomas

Hughes, S. J., the work had become by that time "a charge which required rather business men than missionaries." The significance of the appointment was soon appreciated by Lord Baltimore.*

Since this dispute appears to have begun at about the time that Copley took charge of Jesuit affairs in Maryland the active Jesuit opposition to Lord Baltimore's political policies seems to have centered in him. As early as April, 1638, Copley set forth the demands of the Jesuits in a letter addressed to the Proprietary, which demands or "conditions" have, for convenience, been summarized above. Certain subsequent developments are not clear; but Lord Baltimore considered, as will presently be seen, that his whole ideal of toleration was endangered: (1) By the persistence of the Jesuits in claiming the right to acquire unlimited land from the Indians without consulting the Proprietary, coupled with their demand for limited responsibility to that authority after such acquisition, as to taxation, and in the matter of special exemption from military and civil service for those who should manage the property; (2) By the apparent weakness of his brother Leonard in yielding to the Jesuits; (3) And by the reluctance, amounting to the actual refusal, of the Roman Catholic authorities to permit him to send into the Province the secular clergy whose services Lord Baltimore desired. Leonard Calvert and Secretary Lewger, Lord Baltimore's faithful friend (afterward a priest in England), felt that Leonard Calvert and his associates of the Maryland Council were indeed on the horns of a dilemma. On the one side was the possible displeasure of the Church of which they were members; on the other, the displeasure of the Lord Proprietor. Before this disagreement arose, Lord Baltimore had cautioned Secretary Lewger and Governor Calvert against giving offense to the Jesuits, thus showing that Lord Baltimore was not an intentional aggressor, but that he acted only when he felt that his authority and his policies were in jeopardy.

*Thomas Copley (Philip Fisher) was born in Madrid. As an alien he could and did claim special protection from prosecution under Charles I. From Madrid he had gone to London as priest and procurator, and from thence to Maryland. Bishop Russell states (*Maryland, the Land of Sanctuary,* p. 158) that "Father More when Provincial gave it as his opinion that Father Copley 'though of good talents and sufficient experience,' was 'deficient in judgment and prudence.'"

To his brother Leonard, Lord Baltimore wrote, November 21, 1642:

I pray hasten the design you wrote unto me of this year, of bringing all the Indians of that Province to surrender their interests and right to me, for I understood lately from a member of that Body Politic, whom you call those of the Hill there, that Mr. White had a great deal of land given to him at Pascattoway not long since by Kittamaquund, before his death, which he told me by accident, not conceiving that that place was within my Province, or that I had any thing to do with it; for so he said that he had been informed, and I had some difficulty to satisfy him that it was within my Province. By this you may daily perceive what ways these men go and of what dangerous consequence their proceedings are to me.*

Again, on the same subject, he wrote in part, as follows:

Good Brother,

Just now I understand that notwithstanding my prohibition to the contrary, another member of those of the Hill there, hath by a slight got aboard Mr. Ingle's ship in the Downs to take his passage for Maryland, which, for divers respects, I have reason to resent as a high affront unto me, wherein if you do not that right to me as I require from you in my Instructions, dated 20th Oct. last, I shall have just cause to think that I have put my honor there in trust to ill hands who betray me to all the infamous contempts that may be laid upon me. . . .

In case the man above mentioned who goes thither in contempt of my prohibition, should be disposed of in some place out of my Province before you can lay hold of him; for they are so full of shifts and devises as I believe they may perhaps send him to Potomac Town [in Virginia], thinking by that means to avoid your power of sending him back into those parts, and yet the affront to me remain and the danger of prejudice also to the same; for (whatsoever you may conceive of them who have no reason upon my knowledge to love them very much if you knew as much as I do concerning their speeches and actions here towards you) I am (upon very good reason) satisfied in my judgment that they do design my destruction and have too good cause to suspect, that if they cannot make or maintain a party by degrees among the English to bring their ends about, they will endeavor to do it by the Indians within a very short time by arming them &c. against all those that shall oppose them, and all under pretence of God's honor and the Propagation of the Christian Faith, which shall be the mask and vizard to hide their other designs withal.

If all things that Clergymen should do upon these pretences should be accounted just and to proceed from God, laymen were the basest slaves and the most wretched creatures upon the earth. And if the greatest saint upon earth should intrude himself into my house against my will, and in despite of me, with the intention to save the souls of all my family, but withal give me just cause to suspect that he likewise designs my temporal destruction, or that being already in my home doth actually practise it, though withal he do perhaps many spiritual goods,—yet certainly I may and ought to preserve myself by the expulsion of such an enemy, and by providing others to perform the spiritual goods he did, who shall not have any intention of mischief to-

*_Calvert Papers_, I, p. 213. "Those of the Hill," _viz._, the Jesuits; "Mr. White," Father Andrew White; "Kittamaquund," Patuen, Indian Emperor.

wards me. For the law of nature teacheth this, that it is lawful for every man in his own just defence, *vim vi repellere*—those that will be impudent, must be as impudently dealt withal.[44]*

Although much of the dispute between Lord Baltimore and at least a part of the order of the Society of Jesus remains wrapped in mystery, in spite of the labors of research workers in general, and the efforts of the Rev. Thomas Hughes in particular, this much seems clear: (1) That Lord Baltimore was profoundly convinced of the wisdom of the separation of the functions of Church and State, and that it is not too much to say that he was the first of the Founders of the Anglo-American colonies both to understand the full significance of this principle and also to act upon it, regardless of perils from the civil authorities of his own country and perhaps the most influential religious order of his own church. (2) That sundry of the Jesuits under Copley's leadership, while not interfering with the idea of religious toleration, almost wrecked the whole venture by insistently demanding special privileges of the provincial government, including the maintenance in America of the Old World custom of acquiring great temporal possessions on behalf of the Roman Catholic Church, together with prerogatives and powers without their accompanying responsibilities and obligations; in other words, a private system of government more or less independent of the public or official government of the Province. (3) That the disagreement, in one form or another, lasted through a period of thirty years and more, during which time the Society of Jesus, with its great influence in Rome, was largely successful in keeping out of the Province the secular priests whom Lord Baltimore so greatly desired; and that, by way of self-defense or retaliation, the Proprietary endeavored to curtail or entirely prevent further immigration of the Jesuits. (4) That Lord Baltimore was convinced that the Jesuits, being balked in their plans to secure temporal possessions for the Church through the bequests of Indian converts, were deliberately working against the legitimate interests of the Proprietary; and, in their zeal for what they considered

*After quoting a portion of Lord Baltimore's censure of the Jesuits, Bishop Russell adds this comment:

"It appears to be one of those lamentable instances of which we too often have experience when sincere, honest, and devoted men through misunderstandings become involved in an inextricable labyrinth of suspicion, mutual recrimination and bitterness."[45]

right, had become inimical to him and all his interests. (5) That, on the other hand, there were Jesuits in England who supported Lord Baltimore's contentions; but that for some time they lacked power or influence to secure favorable action from the highest authorities in the Church. (6) That Lord Baltimore, despite his very evident resentment over the real or alleged offenses of Copley and others against his rights and prerogatives under the Charter, in spite of his failure to secure the secular clergy for his Province, and regardless of Anglican and Puritan pressure, remained true to the Church of his adoption; and that despite the difficulties with a great order in that Church, he clung to his policy in establishing a principle which has now become the very basis of political and religious freedom. (7) That Copley and his adherents caused Lord Baltimore endless trouble—in fact, their opposition was made a subject of complaint by the Proprietary to Abbate Agretti as late as 1669, thirty years after the differences had originated.*

In the matter of legislative initiative, Lord Baltimore had yielded to the colonists; but that he regarded religious toleration and the separation of Church and State as all-important appears to explain the severity of his rebuke to his brother Leonard, to whom he wrote, in November, 1643:

> When I did give directions to you not to grant any more lands to those of the Hill there, upon any pretence whatsoever, I did, so far as concerned them, revoke that power I formerly gave you of granting lands there, and it was a great breach of trust in you to do the contrary; for I believe you would take it very ill, and with good reason you might, if any man whom you should trust with the keeping of your seal should affix it to any thing contrary to your

*Reverend Thomas Hughes, S. J., has reproduced from the *Archives of the Propaganda* a "memorial" issued by the Jesuits in connection with their objections to the introduction of the secular clergy. Of the Jesuit pioneers or missionaries, the memorial declared that they, "Were the first to enter that vineyard at their own expense; who have borne poverty and trials for seven years; who had lost four of their men while laboring with fidelity at their posts even unto death; who have maintained sound doctrine and the immunity of the Church, putting up with the odium and damages thus resulting; who know the country and language of the savages; whereof the priests to be substituted by the Baron of Baltimore are utterly ignorant, with the further circumstance that these latter are going over to countenance and maintain a system of doctrine from which contentions and scandals are sure to arise, and that the spark of faith will be quenched which has just been kindled in the hearts of the infidels."—Hughes, *History of the Society of Jesus in North America*, p. 517.

This memorial seems to have been inspired by Father Phillips, Confessor to Henrietta Maria.

direction, although you were bound perhaps in future to cause it to be done yourself. If these persons had had any just cause of complaint by having grants refused them, it had been your part only to have referred them unto me, who knew best my own reasons why I gave the aforesaid directions, for you are merely instrumental in those things to do what I direct, and not to compel me to do what you think fitting.[46]

The comments of Lord Baltimore, preserved on some of the original documents bearing the claims of Copley, are full of interest. On Copley's letter of April 3, 1638, he writes: "Herein are demands of very extravagant privileges"; for Copley had asked:

That ourselves and our domestic servants, and half, at least, of our planting servants may be free from public taxes and services, and that the rest of our servants and our tenants, though they exteriorly do as others in the colony, yet that in the manner of exacting or doing it, privately the custom of other Catholic countries may be observed as much as may be, that Catholics out of bad practice come not to forget those due respects which they owe to God and His Church.

Ignoring the argument for the proposed subterfuge, Calvert's summary on the margin of this paragraph is brief but to the point:

All their tenants, as well as servants, he intimates here ought to be excepted from the temporal government.[47]

This chapter in the history of the Province should not be closed without reference to the origin of certain laws and customs, some of which differentiate Maryland from other states. As a result of these pioneer struggles for freedom of conscience Maryland is, in more recent times, unique among the states in the Union, in that no clergyman may sit in either branch of the legislature. This restriction remains to-day as the visible reminder of the time when the Founder of the Province, by effecting the separation of the functions of Church and State, set about definitely to deliver men from a heavily entrenched medieval custom, so that the spiritual might keep within its sphere and temporal power cease to tempt the ecclesiastical, to the detriment of both the Church and the State.

It has been previously noted that at the second General Assembly of the Province, held in the spring of 1638, all the freemen "were summoned to appear by virtue of writs to them directed." The three Jesuit priests in the Province: Andrew

White, John Altham, and Thomas Copley, formally classified in the terms of the day as "gentlemen," were summoned with the others. "Robert Clark, gent," reads the official record, "appeared for them and excused their absence by reason of sickness." Thereafter, various reasons, over and above the subsequent difficulties with Lord Baltimore kept the Jesuits out of the Assembly. They avoided any direct part in the making of laws, whilst they were seeking exemption from taxation and civil and military service. Their presence as actual or personal participants in legislation would serve to call public attention to their demand for special privileges, which, in part, at least, they sought to keep secret. In this position, they had good historical precedent; since, in 1295, the English clergy, perceiving that their presence in Parliament was sought for the purpose of gaining their assent to taxation, first put many obstacles in the way of their attendance and finally withdrew to convocation.*

Theses almost innumerable have been written offering various interpretations of the phrase in a law of the Maryland Assembly of 1639 to the effect that "Holy Church within this Province shall have all her rights, liberties, and immunities, safe, whole, and inviolable in all things." Happily, with regard to what sect or church was meant, the tomes of argument may now be dismissed with the presentation of a contemporary interpretation that has been made easily accessible through the publication of Volume XLI of the *Maryland Archives*.[48] Commenting on the matter in the *American Historical Review* of January, 1923, the editor of that volume wrote:[49]

> On October 5, 1658, the attorney general of the Province laid an information against Rev. Francis Fitzherbert, S. J. . . . "for practising of treason and sedition." From the evidence, this charge appears to have been made largely because of very vigorous attempts made by Fitzherbert to proselyte the people of southern Maryland who were Protestants.

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*After having been chosen a member of the Lower House in 1692, from Somerset County, an Anglican clergyman, Mr. Hewett, "was dismissed the House by reason of his Ministerial function, the Law in that case as was afore deserved being read in the House, rendering him, in the opinion of the whole House, unqualified."—*Archives,* Vol. XIII, p. 366.

The open objections and underlying purposes of the Jesuits are summed up in Copley's letter to Lord Baltimore in which he writes: "It was not fit that we should be there in the General [Assembly] in person, and our proxies would not be admitted in that manner as we could [wish to] send them, and therefore we were excluded hence; so we did not intermeddle with them."—*Calvert Papers,* Vol. I, p. 158.

When the case came up for trial, June 5, 1662, Father Fitzherbert demurred to the "information" and made response as follows:

> Neither denying or confessing the matter here objected: Since by the very first law of this Country, Holy Church within this Province shall have and enjoy all her rights, liberties, and franchises wholly and without blemish; amongst which that of preaching and teaching is not the least, *neither imports it what Church is there meant,* since by the true intent of the Act Concerning Religion every Church professing to believe in God the Father, Son, and Holy Ghost is accounted Holy Church here.

Since the court allowed the demurrer, the statements made therein appear to settle for all time the long-continued, frequently acrimonious, and utterly bootless arguments as to the correct interpretation of the famous clause in the "Act for Church Liberties" of 1639, drawn up in accord with the intentions and practices of those who framed this Act and a part of the "Act Concerning Religion" of 1649.

PART III: THE PURITAN RÉGIME

During the Civil War, Parliament claimed control of Maryland without having the power to enforce its claims. It was at this period that Ingle made his irruption in the name of the Parliamentary party.

> In 1643 [says Eggleston], Parliament, dominated by Puritans, could not let the distant Maryland Province rest in peace. It passed an ordinance making the Earl of Warwick Governor-in-Chief and Lord High Admiral of all the plantations in America. This act contained covert allusions to papists, Spaniards, and governors recently appointed by the king. Baltimore met the rising tempest in a way characteristic of him. If he could settle a portion of his province with Puritans they might serve to shield him from the storm. Besides, the Roman Catholic emigration had not proved large, and his province needed inhabitants. He wrote to a Captain Gibbons, of Boston, sending him a commission under the Maryland government, and offering "liberty of religion and all other privileges" to such of the New England people as were willing to remove to Maryland. There were those in New England in that day who longed for a more genial climate, but to settle under the authority of a papist was to them much like pitching a tent on the confines of perdition.[50]

The above rather colorful statement is probably correct, supposition and all; on the other hand, it might be misinterpreted to mean that Lord Baltimore sought Protestant settlers only when the storm was imminent, in the effort to temper it. Un-

doubtedly, the material development of the Province was a prime interest with Cecil Calvert, as it had been with his father in Avalon. Maryland offered advantages that Avalon lacked; nevertheless, the prosperity of Maryland, with the desired returns on the proprietary outlay in founding the colony, depended very largely upon the increase in the number of colonists. Although the establishment of religious toleration represented an inspirational ideal it may also be considered as Lord Baltimore's practical plan to furnish a means to an end.[51]

Voluminous evidence is easily accessible with respect to the antagonism of the New England theocracy to the idea of toleration. To these unyielding enthusiasts religious toleration was the very negation of religion. "Poly-piety," one of their leaders delared, "was the greatest impiety in the world." Urian Oates, the fourth President of Harvard College, denounced toleration as "the first-born of all abominations." Yet, by way of an interesting comparison, and for the sake of fairness to all in an intolerant age, it may be noted that the attitude or expressions of the stern Puritan moralists differed from those voiced by ecclesiastics of other churches in the matter of phraseology rather than degree. The fulminations of the authorities in the Roman Catholic Church in Europe included all dissenters under the comprehensive term of "heretics," who were more or less automatically condemned to eternal punishment, if they were not compelled by force to recant on earth. The Puritan orator divines did not wholly neglect this particular appellative; but it appears that they applied it chiefly to the Quakers, reserving their more expansive anathemas for Roman papacy or Anglican prelacy.*

As far as it affected the colonization of Maryland, the invitation to the New England Puritans was merely an unfruitful incident; whereas that which Lord Baltimore now extended to the Puritans in Virginia resulted in an important influx of popu-

*That many of the leading Puritans of New England thought that almost any ill was better than tolerance of error is remarkably shown in a letter written by John Cotton to one who undertook to differ with the group on this point, in which he said: "You think to compel men in matter of worship is to make them sin. If the worship be lawful in itself, the magistrate compelling him to come to it, compelleth him not to sin, but the sin is in his will that needs to be compelled to a Christian duty. If it do make men hypocrites, yet better be hypocrites than profane persons. Hypocrites give God part of his due, the outward man, but the profane person giveth God neither outward nor inward man."[52]

lation and led directly to many events of moment. Judging from the rebuff given him in Massachusetts and the intensity of prejudice entertained by the Puritans, it would seem that Cecil Calvert blundered in his open welcome to people so entirely out of harmony with his ideas—regardless of any possible desire to please the incoming régime in the mother country. Immediate events would seem to justify this conclusion. On the other hand the Puritans were sturdy and virile; they brought with them a spirit of independence and a self-confident individuality that, in the end, made for reaction against their own too domineering spirit. After they had passed through the early stages of illiberality they were largely instrumental in introducing sundry qualities which were of marked benefit to the Province and State.

In any event, it seems that Lord Baltimore sincerely welcomed men and women of all faiths in the belief that the majority of the variant groups would adapt themselves each to the other for their mutual welfare. He hoped, under the terms of the Charter, to be able to continue to direct the government of the Province so as to bring these things to pass. To this factor, more than any other one thing, we may be justified in attributing his extraordinary efforts in 1649–1650 to renew his original claims to the alleged charter right of the initiation of legislation. Evidently, he felt that if he could secure the passage of the "sixteen laws" then sent over by him in the exact form he had framed them, religious and civil troubles could and would be avoided; that the Jesuits would be restrained; and the Puritans and Anglicans kept from encroaching upon the stipulated equality of the others.

In Virginia, Governor Berkeley was upholding the authority of the Crown and the Anglican Church long after both had fallen in Great Britain—hence the term applied to that colony by Charles II: *viz.*, "The Old Dominion." The more successful the Puritan-Parliamentarians were in England the more determined was Berkeley to maintain the royal cause in Virginia.

> The Virginia Puritans [says Eggleston] had no choice but to suffer or depart, and Maryland was convenient.

There they were offered a refuge, freedom of conscience, and equal civil rights under the protection of a proprietary ruler

who was a papist and who practiced toleration—two things almost equally hateful to the Puritan . . . but so desirous was Baltimore of Puritan settlers that even the Maryland oath of fidelity was modified, and a saving clause was inserted for the ease of the Puritan conscience.[53]

It was at this time that Charles Stuart presented a commission to Sir William Davenant appointing him Lieutenant Governor of the Province of Maryland on the ground that Lord Baltimore

doth visibly adhere to the Rebells of England, and admit all kinde of Schismatics, and Sectaries, and other ill-affected persons, into the Plantations of Maryland.

This commission was issued under date of February 16, 1649 (O. S.). Davenant was, however, captured on the high seas by the Parliamentary forces and confined in the castle at Cowes, whence, a few years before, had sailed the *Ark* and the *Dove*.*

The first group of Puritans had emigrated to Virginia in 1619, a year before the sailing of the *Mayflower;* and their leader, Captain Christopher Lawne, was a member of the first Virginia House of Burgesses, which sat in August of the same year. In 1621 Edward Bennett, a merchant of London, settled additional Puritans on Lawne's land and received special credit therefor from the Virginia London Company. His nephews, Robert and Richard Bennett, were placed in charge, and it is the latter who afterward took so prominent a part in Maryland affairs under the Puritan régime. William Bennett, a relative, became the first preacher of the colony. Other Puritan groups settled on adjoining lands and, despite heavy losses in the Indian massacre of 1622, increased in numbers and influence, as shown by the fact that in 1629 they were sending four Burgesses to the Virginia Assembly. In 1642, however, at about the time their numbers had so increased as to need the services of additional ministers, whom they secured from Massachusetts, Governor Berkeley arrived in Virginia. It was not long before this staunch loyalist bestirred himself to suppress these dissenters, as much, doubtless, for political reasons as on account of religious differences. Hitherto, the Puritans in Virginia had enjoyed considerable political liberty and toleration; but,

*The life of this soldier dramatist was saved, it is said, by his fellow poet John Milton, for whom Davenant did favors when the Royalists returned to power.

in 1643, Berkeley, apprehending danger from further encouraging dissenters, persuaded the Burgesses to pass a special act of conformity. The New England ministers returned to Massachusetts Bay; but Berkeley subsequently reported that, although the formal church gatherings of the local Puritan ministers were broken up, "the people resorted to them in private houses to hear them as before."[54] As this suppression of the Puritans took place just before the second great Indian massacre in Virginia, the New England divines were quick to proclaim that the calamity offered a striking illustration of the judgments of Jehovah.

Prior to this event, Cecil Calvert had sent to the Virginia Puritans the invitation to which reference has been made; but few availed themselves of the opportunity. In 1647, however, Governor Berkeley, returning from a visit to England, determined more actively than ever to prosecute the Puritan ministers and compel them to follow the forms of the Anglican service. Yet, despite the Governor's efforts, the Puritans gained converts through the zeal and exceptional personality of Thomas Harrison, Berkeley's former chaplain, who after the massacre had become the most active of their ministers. Richard Bennett and William Durand sought refuge in Maryland. At the solicitation of Bennett and Durand, Governor Stone, in the name of the Proprietary, or certainly in accordance with Baltimore's ever consistent attitude, issued another invitation to the Virginia Puritans to settle in Maryland. Some accepted the invitation in the spring and summer of 1649; and, during the following year, the greater part of a group of 300 souls settled at a place they called "Providence," near the present site of Annapolis. Here they were granted a large tract of land, local self-government, equality of civil rights, and not merely toleration, but religious freedom. In the first General Assembly convened after their arrival, one of the newcomers, James Cox, was elected Speaker.[55]

It is possible that without interference from the Puritan régime in England, religious freedom might have continued to prevail in the Province, with Anglicans, Catholics, Puritans, and others working together, but for two untoward happenings, one of which was the blunder of Thomas Greene, acting governor in the absence of William Stone, and the other an error in

judgment on the part of Stone accompanied by a display of suspicion and prejudice on the part of some of the Puritans. Under the new arrangement harmony had obtained; and there was a definite effort made on the part of the Protestant majority in the Assembly to allay certain malicious rumors that were being circulated, possibly with a view to forestalling interference by the Parliamentary party in England. This effort is best illustrated in the "Declaration" of the Protestants, who took occasion publicly to proclaim that they were enjoying "all fitting and convenient freedom and liberty in the exercise of our religion, under his Lordship's government and interest."

In 1649, the news had reached Maryland that Charles I had been executed and that the monarchy had given place to the commonwealth. Unfortunately for Maryland, Governor Stone was then absent from the Province; and Thomas Greene, his appointee as vice governor, took occasion to follow the example of Governor Berkeley and proclaim Charles II as the lawful sovereign. This act was soon set aside by Stone and repudiated by the Proprietary; but damage had been done, and a basis for hostile rumors provided, particularly among the Puritans at Providence and among those in power in England.

In the following April, 1650, Governor Stone convened the General Assembly, in which the influence of the Puritans was at once manifest. Virginia Anglicans, especially as possible neighbors in the Province, were naturally under suspicion on the part of the Puritans at Providence; hence, it was comparatively easy for the older settlers and the newcomers to unite in passing a law aimed at Captain Claiborne's threatened reoccupation of Kent Island. In view of the fact that the Puritans were shortly to discover alleged flaws in the title of Lord Baltimore to the Province, the phraseology of the Act is of special interest. The first clause of the preamble reads:

> Whereas Captain William Claiborne, heretofore of the Isle of Kent, within the Province of Maryland, and now of the Colony of Virginia, for his frequent attempts, practices, and enterprises in opposition of his Lordship's undoubted right and dominion in and over the Province hath heretofore carried himself in a very rebellious manner against his Lordship and the Government here established, etc.

Thereupon the basis of Lord Baltimore's claims was reviewed and confirmed; "Death and confiscation of all his goods" is

prescribed as the penalty for anyone who should aid Claiborne or any of his adherents.[56]

After the news had reached London of the defiant proclamation of Governor Berkeley of Virginia in favor of Prince Charles, followed by the unauthorized declaration on the part of Deputy Governor Greene of Maryland, the Parliamentary government made preparations to reduce to obedience both colonies. In 1651 an act was passed by Parliament authorizing an expedition to effect that object. In the meantime, Lord Baltimore, indefatigable in laboring for the preservation of the freedom of his Province, offered indisputable proof of his previous support of the Parliamentary cause. Especially did he call attention to the "Declaration" on his behalf by the Maryland Protestants, including all Puritan immigrants. Therefore, though originally mentioned, along with Virginia, as a rebellious colony, Maryland was not specifically included in the letter of instructions to the Commissioners appointed "to reduce all plantations within the Bay of Chesapeake," a phrase which, in far-off America, could be and was afterward interpreted to include the Proprietary Province, whether the Parliamentary leaders intended to exclude Maryland or not.[57]

No one knows what verbal directions accompanied these instructions as to this or that contingency, or if there were any; for it so happened that the two Commissioners who in person received these orders were lost at sea. The other members appointed were Richard Bennett, ardent Puritan of Providence, late of Nansemond, Virginia; and Captain William Claiborne, both of whom were on the American side of the Atlantic. Captain Curtis, in command of the *Guinea,* who completed the voyage and assumed the office of the missing Captain Dennis, had in his possession a copy of the written terms. Here, it would seem, was Claiborne's golden opportunity not only to reoccupy Kent Island, but to seize control of the entire Province and plunder his former opponents. That Claiborne lost no time in reoccupying the island was to be expected; on the other hand, that he did not seek vengeance at the expense of the Proprietary, and especially those who had outlawed him and all his adherents, shows, as far as may now be ascertained, a remarkable measure of restraint, the more particularly when we consider

VIRGINIA FARRER may be regarded as a pioneer woman cartographer and she may also be called the first woman real-estate promoter of distinction. She prepared her chart with a view to interesting the public in the new development across the sea. Her advertisement averred that, "In ten dayes march with 50 foote and 30 horsemen from the head of Jeames River, ouer those hills and through the rich adiacent Valleyes beautified with as proffitable rivers which necessarily must run into yt peacefull Indian sea" one might arrive in New Albion [California] "to the exceeding benefit of Great Britain, and soye [so] of all true English."

All that was necessary for Mistress Farrer to establish her thesis as to the feasibility of the "ten dayes march" from the Atlantic to the Pacific was the simple elimination of the Mississippi Valley, the Rocky Mountain watershed, and minor details.

The Sea of China and the Indies.
Sir Francis Drake
Scala Miliarum
A mapp of Virginia discovered to 38 Hills, and in ye Lat: From 35 deg: & ½ vnto Florida to 41. deg: bounds of new England.
Noua Francia
Ould VIRGINIA, & new
Carolina
MARYLAND the Lord Baltimore's Plantation begun 1633
Swedes Holland Plantation
Noua Albion
Chesepiac
MARE
Cape Cod

Virginia Farrer's Map of the Chesapeake Region, 1651. From Winsor's Narrative and Critical History.

the usual procedure of those days. It may be said that in this respect he showed a tolerance worthy of his opponent.

In order to understand subsequent events it is necessary to follow the course pursued by Captain Edmund Curtis. In the first place Curtis was detained for some time at Barbados in aiding Sir George Ayscue to overcome the stout resistance of the people of that island, who were Royalists rather than Roundheads. Consequently, the Parliamentary forces did not arrive before Jamestown until early in March, 1652 (N. S.). In the meantime—in a limited sense, at least—the governments at Jamestown and at St. Mary's were at loggerheads; for Governor Berkeley had declared for Prince Charles and Governor Stone for Parliament. Matters were further complicated in both colonies in that Governor Berkeley considered that Maryland was territory in rebellion to His Lawful Majesty, and he had deputized Edward Scarborough to take command of Palmer's Island as a point of commercial and military advantage. On the other hand, Claiborne now sought control of Kent Island as an adherent of Parliament.

Maryland likewise was divided against itself in a manner almost as complicated. In 1650, as we have seen, the Puritans of the Providence settlement had united with Catholics and Protestants of lower Maryland in outlawing Claiborne. In 1651, however, the Puritans had become disaffected and had refused to take part in the proceedings of the General Assembly. They had come to the belief that however marked the present appearance of harmony between Lord Baltimore and the Roundheads in England, there could be no permanent peace with Papists and Anglicans. Despite the fact that Governor Stone had proclaimed the authority of Parliament, and notwithstanding all the favors already granted them by the Proprietary and the Governor of Maryland, they declared that they would await word from the mother country; furthermore, although they had agreed to the terms proposed by the Proprietary, when he proffered them a refuge from oppressions, they would now learn from the ultimate source of authority whether they would continue to live under the suzerainty of Lord Baltimore or, with the support of Parliament, rise and take possession. If, therefore, the leaders in either political camp were thus

torn by conflicting purposes, there can be little doubt that the majority of the people in the two colonies were altogether bewildered by the prevailing confusion of political and religious interests.

In Virginia Governor Berkeley and his fellow loyalists were heartily for resistance to Parliament, even if it involved war. But there was an element among the people that sought or demanded opportunity to discuss the issue with the representatives of the new government. Hence, the Virginia Burgesses were assembled and negotiations begun with the parliamentary faction, with the result that articles of surrender highly favorable to Virginia were agreed upon, from which it may be readily surmised that the influential Claiborne played a prominent part in the negotiations. Besides, Claiborne and Bennett had been appointed commissioners under the new régime; and the articles were signed by Curtis, Claiborne, and Bennett, the latter two representing both colony and Parliament. In the face of division in the colony and of the liberal terms offered it was idle for the irascible Berkeley to attempt to rally his followers for resistance, which, it was clear to all, would mean a transference of the unhappy civil war of the mother country to the sparsely populated soil of America.

Under the terms of the agreement, all acts and utterances of the Virginians already declared treasonable by Parliament were to be pardoned upon the rendition of proper indemnities; and the formal submission was to be regarded as voluntary. The fourth article of the agreement is of especial interest and significance:

> That Virginia shall have and enjoy the ancient bounds and limits granted by the charters of the former Kings, and that we shall seek a new charter from the Parliament to that purpose against any that have intrenched upon the rights thereof.[58]

Thus those Virginians who had resented the annulment of their ancient charter and the dissolution of the Virginia London Company by James I wrote their own terms in this article and apparently had secured the sanction of the new government in reclaiming their long lost "rights." These things having been accomplished the Parliamentary commission, under command of Captain Curtis and accompanied by Commissioners

Bennett and Claiborne, next proceeded to Maryland, where, as previously noted, the government had already declared for Parliament. When, therefore, the Commissioners reached St. Mary's, they merely demanded, first, a *formal* submission, or acknowledgment of the authority of Parliament, so that Governor Stone and his council "might remain in their places," conforming themselves to the laws of the Commonwealth of England in point of government, and not by way of "infringing the Lord Baltimore's just rights," a phrase which might mean anything, in accordance with its subsequent interpretation. But the terms of the "submission" went on to state that all writs and warrants should be issued in the name of the "Keepers of the Liberty of England." To this Governor Stone refused assent on the ground that it violated the charter rights of the Proprietary; and that while he had acknowledged the authority of Parliament in the place of that of the King, the King himself had not claimed or exercised the prerogatives now demanded by the Parliament; and that the issuing of writs and warrants belonged to the Proprietary by the terms of the charter. Whereupon, according to Langford's contemporary testimony:

> The said commissioners demanded of Captain Stone the Lord Baltimore's commission to him; which he shewed them; and then, without any other cause at all, they detained it.

Whether these details given by Langford are correct or not, it is certain that Governor Stone was thrust out of his office, even though he was shortly thereafter reseated by the same authority. In the meantime the government of the Province was placed in the hands of a council consisting of Robert Brooke, Esq., Colonel Francis Yardley, Mr. Job Chandler, Captain Edward Windham, Mr. Richard Preston, and Lieutenant Richard Banks, two of whom, Brooke and Chandler, had been members of the council appointed by Lord Baltimore.

At this time, Parliament, claiming to represent the people of England, arrogated to itself almost absolute power. Furthermore, because its authority was supposedly derived from popular constituencies, these pretensions were put forth by it in the name of liberty. In Virginia Parliament sought to deprive that colony—since 1619 a self-governing commonwealth—of a form of worship to which the inhabitants had been accustomed

from infancy.* The Virginians were ordered to abandon the use of the Book of Common Prayer, although the order was so modified that it was not to go into effect for a year after it had been issued. Furthermore, Parliament issued what was, for all practical purposes, a proclamation designed to free all "servants" (which term probably included negro slaves as well as indentured whites), should there be any resistance to Parliamentary rule. If, therefore, these things were ordered in Virginia, it was hardly to be expected that less would be done in Maryland, where the form of government—guaranteed by the charter to the Proprietary—was materially altered; moreover, the franchise was limited by decree to those freemen who should "take the agreement": *viz.*, that all "do promise and engage ourselves to be true and faithful to the commonwealth of England, as it is now established, without king or house of lords."[59]

Thus, from this early date to the time of the Revolution, an influential group of parliamentary statesmen, under any and all régimes, utterly failed to understand the devotion of the American settlers to the principle of local self-government, which to them was exemplified in the origin and maintenance of their respective colonies. About this time, under the Cromwell régime, a beginning was made of that interference with colonial trade which was destined a century later to develop into one of the grievances leading to the War of Independence.

Having thus formally "reduced" Maryland the Commissioners returned hurriedly to Virginia, where Bennett was elected Governor of that colony by vote of the House of Burgesses, and William Claiborne Secretary of State, while "awaiting the further pleasure" of the government of the mother country.†

A few weeks later, at the end of June, 1652, Bennett and Claiborne returned to Maryland to complete the reorganization of the government of the Province, the arrangement of

*The term "commonwealth," in reference to the Province of Maryland, appears in the Maryland records in 1650.

†Bozman has expressed the belief that this election was forced upon the Burgesses of Virginia. This may have been true in the case of Bennett, but Claiborne was apparently popular; so that this double choice was most likely a compromise between the Puritan element in power in England on one side, and Claiborne, who represented the Anglican element in Virginia, on the other. *Cf.* Bozman, Vol. II, p. 446.

March 29th having been admittedly of a temporary character.

It may be readily imagined that those who had taken part in the several indictments drawn up against Claiborne now feared the worst. In lieu, however, of confiscations, retributions, plunderings, or even bloodshed, unexpectedly conservative proceedings followed. Captain Stone was reinstated in office with the old Council, excepting Windham and Banks, who were replaced by former Secretary Hatton, the loyal friend of Lord Baltimore, and Captain John Price. The proclamation of January 28th, issued by Bennett and Claiborne, contains several points of special interest; for example, it was particularly declared that it was not only by the "motion and request of the aforesaid Commissioners," but also at the "desire of the inhabitants, that Captain Stone should reassume his former place as Governor." And the Commissioners concluded their proclamation with the statement that, "since the government is so settled, as is known to be to the good liking of the inhabitants, it is conceived, for that and several other reasons, that there is no absolute necessity for a General Assembly at present."[60]

The proclamation by the commission of March 29th had been signed by Curtis, Bennett, and Claiborne; the supplementary order of June 28th was signed by Claiborne and Bennett only. Of these two, at this time, it may be held that Claiborne was by far the more influential as an older colonist of good rank and as a favored figure under both royal and parliamentary régimes. It would seem proper, therefore, to give him credit for remarkable moderation in this settlement, particularly when it is seen that Bennett and the Puritans, in subsequent events, exercised no such restraint. It may be inferred that Claiborne was genuinely interested, like Lord Baltimore, in promoting the welfare of the colonists and, through successful settlement, in extending the bounds of the British empire.

Having thus, as one of the Parliamentary Commissioners, arranged matters in Maryland, Claiborne seems to have retired to his estate in Virginia and to his duties as an official in the government of that colony. Bennett, however, although he was the Parliamentary Governor of Virginia, remained in Maryland. At a specially summoned meeting of the Court, with Governor Stone presiding, Bennett saw to it that certain affairs should be settled in the Province of Maryland under his im-

mediate supervision. The first of these matters concerned the Puritans on the Severn River. Claiborne may have departed on the day of the supplementary proclamation referred to above, with or without visiting Kent; but, as stated, Bennett remained; and on the very day of the reinstatement of Governor Stone he made plans for a treaty with the Susquehannocks. A commission to negotiate with the Indians was created, which was composed of "Richard Bennett, esqr., Mr. Edward Lloyd, Captain William Fuller, Mr. Thomas Marsh, and Mr. Leonard Strong, or any three or more of them, *whereof* Richard Bennett, esqr." was necessarily "to be one" of those acting. Seven days later a treaty was negotiated with the Susquehannocks, by the terms of which the Indians gave up, with minor reservations, a great territory extending "from the Patuxent river unto Palmer's Island on the western side of the Bay of Chesapeake, and from the Choptank river to the northeast branch which lies to the northward of Elk river."

Whether the Susquehannock Indians had any right to cede so much land south and east of their actual habitations was a question which Bennett and his associates did not raise. No western bounds were set to the cession; and there was included the provision, embodied in nearly all the agreements and treaties of the colonial period, guaranteeing the return of fugitive slaves or servants fleeing from either party to the other. This provision, customary in all the colonies, subsequently passed into Federal law under the Constitution of the United States. Here it was destined to engender bitter feelings. At first familiar to all the colonies in their dealings with one another, it came to have a sectional connotation only.*

While the colonists were considering the advisability of marching against the Eastern Shore Indians Governor Stone's attention was directed to the conduct of Captain Robert Vaughn and Mr. Edward Lloyd, "commanders" of Kent and Anne Arundel counties. These two had not made proper re-

*See the terms, for example, of the contemporary New England Confederation. Another article stipulated that should the Indians visit their white friends, on "business or any message," they should go "by water and not by land," and "that there shall not be above eight or ten at the most at one time." These restrictions did not apply to the whites; although both were obligated to bear definite prescribed "tokens" to each other in the interchange of such visits, and either party was required to give twenty days' notice of a desire to bring the treaty to an end.[61]

turns to the secretary of the Province in granting warrants for the taking up of land under their jurisdiction. Investigation appeared to disclose a belief on the part of the commanders and Mr. Robert Clark, the provincial secretary, that the overlordship of the Proprietary was about to be abrogated by Parliament, and that these men were inclined to mark time until that event should take place. Governor Stone thereupon felt it was incumbent upon him to offer evidence of his own support of the Proprietary. By proclamation issued under date of December 18, 1652, he declared the commissions of Vaughn and Lloyd to be null and void, and added that the continuance of such neglect of proper legal procedure would likely "produce much confusion and inconvenience." This condition of uncertainty imposed a great hardship upon the older settlers, and we can well imagine what apprehension was felt by the people in and about St. Mary's city and in the lower counties. None knew to whom on the morrow he would owe allegiance. To add to the uncertainty there was an exceptional stagnation in trade from March to November of that year, war with the Dutch then being sharply waged in the English Channel. Because of these events it was long before the colonists learned that Oliver Cromwell had driven out the members of the Long Parliament by "a file of musqueteers," and that he had been proclaimed Lord Protector.*

Lord Baltimore thought this was the favorable opportunity, long awaited, to reassert his authority in Maryland. Whether Cecil Calvert anticipated the overthrow of the Long Parliament or not, it seems clear that on February 17, 1653, several months before Governor Stone issued his order directed against Robert Vaughn and Edward Lloyd, he had issued instructions to the governor of the Province, which, owing to the confusion in England (and the possible loss at sea of the original papers), were not received by Stone until about a year later, either just before or shortly after he had proceeded against Vaughn and Lloyd.[62] The immediate outcome was so unfortunate that we are perhaps likely to blame the Proprietary's judgment overmuch in thus attempting to force issues

*Evidently, Bozman owned no very high opinion of the Long Parliament, since this forceful dismissal of that body has been enthusiastically described by him as *"the most useful political lesson that was ever yet opened to mankind on any page of history."*

in the Province when his authority was held so lightly and when he had to face a powerful group of new settlers who were either quite suspicious or secretly hostile. Perhaps Governor Stone might best have "temporized," as he did at the beginning. Bozman asserts that since

> his Lordship and his governor had now resolved, that things should be reinstated as they were prior to the reducement, it became necessary that the councillors should qualify themselves again under their former oath. This oath contained a clause, wherein he, who took it, swore, that he would not directly or indirectly molest or discountenance any person in the province professing to believe in Jesus Christ, and in particular *no Roman Catholic,* for, or in respect of, his religion. This, in the language of the Puritans "was in plain words to countenance and uphold anti-Christ"; and hence, as from fresh fuel, blazed forth civil war and bloodshed in the province.[63]

Lord Baltimore also expressed displeasure at the conduct of Robert Brooke, who had shown a marked promptness in falling in with the plans of the parliamentary commissioners in the "reducement" of 1652. Hence, on the 28th of September, 1654, the Proprietary "discharged Robert Brooke, esqr., late commander of Charles County, from being one of the Council, conservator or justice of the peace, or commander of any county within this Province." Governor Stone followed this order with one of his own, making void the erection of the county itself, and in its place extended the bounds of Calvert County.

These several orders and consequent events gave rise to a crop of hostile rumors which were taken up with avidity by the Puritans of Providence; and the things already done lost nothing in the recital. Governor Stone's proclamation accusing the Puritan element of promoting sedition and rebellion against Lord Baltimore, while largely, if not wholly, true, was perhaps impolitic and ill-advised at this time. At any rate, this was the pretext seized upon by the Providence Puritans to send for Bennett and Claiborne to take Governor Stone to task for rebellion against the British Commonwealth. Acting, therefore, under their old authority, now presumably abrogated or at least not sanctioned by Oliver Cromwell as Lord Protector, Bennett and Claiborne reappeared upon the scene. According to their report, they "applied themselves to" Governor Stone, but the latter and his Council returned "only opprobrious and uncivil language" and sought to surprise and capture them. Governor Stone agreed to submit, as he had done in 1652, this time also

to the Commissioners, who stipulated that it was done "under his Highness, the Lord Protector" instead of in the name of the Keepers of Liberty of the Commonwealth. Hence, at Patuxent River in the Province of Maryland, the 22d day of July, 1654, a declaration was issued

for the conservation of the peace and public administration of justice within the Province of Maryland to Captain William Fuller, Mr. Richard Preston, Mr. William Durand, Mr. Edward Lloyd, Captain John Smith, Mr. Leonard Strong, Mr. [John] Lawson, Mr. John Hatch, Mr. Richard Wells, and Mr. Richard Ewen, or any four of them, whereof Captain William Fuller, Mr. Richard Preston, or Mr. William Durand to be always one, to be Commissioners for the well ordering, directing, and governing the affairs of Maryland [etc.].[64]

This commission, composed of Puritans, and those who sympathized with them, included in their declaration the grievances heretofore mentioned, especially the compulsory oath of loyalty to Lord Baltimore, coupled with the practice of issuing the writs in his name; adding that those who had remained true to the "reducement" pledges of 1652 were charged by Governor Stone with the rebellion against Lord Baltimore,

whereby not only the lands, houses, and plantations of many hundreds of people, but also their estates and lives were liable to be taken away at the pleasure of the aforesaid Lord Baltimore and his officers [etc.].

The declaration further stated, as to the manner in which the form of government was changed, that

the said commissioners, in quiet and peaceable manner, with some of the people of Patuxent and Severn, went over the River of Patuxent, and there at length received a message from the said Captain Stone, that the next day he would meet and treat in the woods.[65]

In view of the Proprietary's early leaning toward the parliamentary cause, and the support given to that cause by many of the Roman Catholics in England, the unkindest cut followed in the closing words of this document, in which a meeting of the Assembly was called for the 20th of October:

For which assembly all such shall be disabled to give any vote or to be elected members thereof as have borne arms of war against the Parliament or do profess the Roman Catholic religion.*

*"Mr. William Durand," continued the declaration, "is hereby appointed to be Secretary to the said Commissioners and to receive the records from Mr. Thomas Hatton, and Captain John Smith to be Sheriff for this ensuing year."[66] The decla-

A despot acts on his own initiative and authority without recourse to law. Such is one form of tyranny; yet the principle is essentially the same when, in the name of law and order, a group of men confiscate property and disregard the rights of others. It would even appear that the latter form of tyranny is the more galling of the two, in that injustice is done in the name of justice, and license to plunder is given in the name of liberty, public welfare, or religion. It should be added, however, that while some of it was proscriptive, a large proportion of the legislation enacted by the Puritan Assembly of 1654 was constructive. The leaders of this new, and almost self-appointed governing body appear to have reverted to the unicameral system when the legislature was convened on the 20th of October, not at St. Mary's, but "at Patuxent," in the house of Mr. Richard Preston, who became its Speaker. The commissioners, who had called the Assembly, were "returned" as Burgesses, together with seven others. Two of the latter were Thomas Hatton, former Secretary, and Job Chandler, former councillor. These two had been elected by the Protestants of St. Mary's County, the Roman Catholics having been declared ineligible for office or franchise. In view of the fact that the Assembly had begun its sessions with the utter repudiation of the Proprietary, Hatton and Chandler refused "to sit and act as Burgesses in respect [that] they, the said Thomas Hatton and Job Chandler, have taken oath to the Lord Baltimore."[67]

After they had proceeded to establish the authority of the commissioners and that of the Assembly under the Lord Protector as against any other authority whatsoever, this Assembly of 1654 enacted a law having the title of the so-called "Toleration Act" of 1649; but there the resemblance largely ceased. After certain general references to "liberty," this new "Act Concerning Religion" proceeded to declare that no one who professed and exercised "the Popish religion, commonly known by the name of the Roman Catholic religion, can be protected in this Province." The act further stated that liberty was not to

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ration was signed by Richard Bennett and William Claiborne and witnessed by William Durand, Secretary. If Claiborne actively advocated or approved of these measures, the moderation which characterized his behavior of 1652 had vanished. On the other hand, if his attitude on the former occasion was truly characteristic, he must have been outvoted and silenced by his Puritan colleagues, now triumphant in the colonies as in the mother country.

be extended "to popery or prelacy," whereby the Anglicans also were denied toleration. An additional clause of a general character was added which made it unlawful for any "under the profession of Christ" to "hold forth and practice licentiousness" of any kind—a broad provision that made it possible for Puritan magistrates to proceed against any dissent, by methods not unlike those of their fellow religionists in Massachusetts and Connecticut.[68]

After reënacting, with modifications, a number of the laws of previous Assemblies, the Burgesses added sundry new ones. They made provision for assembly elections every three years, after the manner of their fellow countrymen in England, together with acts aimed at drunkenness, swearing, licentious conduct, slander, and profanation of the "Sabbath day." It is noticeable, however, that the Maryland Puritans were not as severe in their penalties for infractions of these rules of conduct as their brethren in Massachusetts. Moreover, the list of offenses was not as long. It was ordered that "no work shall be done on the Sabbath day," and that there should be "no Inordinate Recreations; as fowling, fishing, hunting, or other, no shouting of Gunns . . . except in Case of Necessity."*[69]

In the "Act against Ingrocers,"[70] this Assembly attempted to prohibit inordinate profits on merchandise or servants imported into the Province. Under the head of "provisions" wine was especially mentioned among articles of import as a commodity upon which the profit was to be limited to fifty per cent.

Severe penalties were prescribed for runaway servants and those who aided them. If the fugitives were caught the term of service was doubled in respect to the "time of his or her unlawful departure and absence," over and above making restitution of the "damages and cost" incurred by "such unlawful departure." Furthermore, strict regulations were made for all "servants coming into this Province without an indenture or covenant." Above the age of twenty these immigrants were compelled to enter service for four years. If they were from sixteen to twenty they were to serve six years; from twelve to sixteen, seven years; under twelve they were to be bound out until they came of age.[71]

*The name of Anne Arundel County was changed to Providence, and the Assembly ordered the erection of the County of Patuxent.

The records of the Province are silent for the remainder of the year 1654; but toward the close of January, 1655, the *Golden Fortune,* Captain Tilman [Tilghman] in command, is mentioned as having arrived in Maryland. With Tilghman came important news and sundry messages from the Lord Proprietor and the Lord Protector. It was learned (1) that the Lord Protector, in whose name the Puritans had overturned the provincial government, had deprived the Proprietary neither of his patent nor of his land; (2) that Lord Baltimore had heard what had happened in Maryland and had seized the earliest available occasion to rebuke Governor Stone for yielding to the commissioners without striking a blow in his defense; (3) that in regard to the boundary disputes between Maryland and Virginia, Cromwell wrote to Governor Bennett in sharp reproval for having "gone into Lord Baltimore's plantation and countenanced some of the people there in opposing the Lord Baltimore's officers," and for "disturbing the Lord Baltimore, or his officers, or people in Maryland." Bennett was directed "to permit all things to remain as they were . . . till the said differences above mentioned be determined by us here, and we give further order therein."[72]

Stung to action by the reproof of the Lord Proprietary, which had gone so far as to suggest cowardice on his part, Governor Stone bestirred himself to reassert his authority—not only in the name of the Lord Proprietary but also in that of the Lord Protector; yet, because of sundry conflicting and contradictory reports, it is difficult to declare positively what was immediately intended by either side. In any event, Governor Stone gathered a force of about one hundred and thirty men and proceeded by land and sea toward the Puritan settlements at Patuxent and Providence. The Puritans vehemently asserted that his progress was attended by threats of slaughter and marked by widespread destruction of property. On the other hand, a somewhat involuntary witness, just arrived from England—Dr. Luke Barber—declared that the Governor had first dispatched him with a letter to the people of Providence protesting that the Governor "came not in any hostile way to do them any hurt, but sought all means possible to reclaim them by fair means"; and "to my knowledge," added Barber, "at the sending out of the parties, he gave strict command that if they

met any of the Anne Arundel men, they should not fire the first gun, nor, upon pain of death, plunder any."

On the other hand it would seem that, despite the indignant denials of Leonard Strong, the Puritans were not averse to fighting, especially as it happened they could call upon heavy reinforcements from outside. It may be noted that Governor Stone had previously dispatched John Hammond to secure the person of Richard Preston and to recover the records of the Province then at the latter's house on the Patuxent, together with such arms and ammunition as could be found. Either side reported the sending of pacific messages, which were disregarded by the other. Either side, also, accused the other of detaining the messengers of peace. The Puritans declared that "Captain Stone's messengers were free to return, if they would." Neither side was disposed to trust the other, and an armed clash was, perhaps, inevitable. Captain Fuller, leader of the Puritans, had at hand an ally in Roger Heamans, master of the *Golden Lion,* who was afterward described by Mrs. Virlinda Stone in the postscript of her letter to Lord Baltimore as "a very knave." Heamans offered Captain Fuller his services and those of his crew, together with the heavy guns of the *Golden Lion.* Secretary Durand went aboard the *Golden Lion* and fixed to the mainmast a proclamation requisitioning the vessel for the defense of the Province in the name of the Lord Protector and the Commissioners of England. Heamans was seconded by a Captain Cuts, of New England, master of another armed vessel then in the neighborhood.

In the meantime, Governor Stone had moved his eleven or twelve small gunless craft up Herring Creek where they were effectually hemmed in by Captain Cuts on the night of March 24, 1655. On the morning of the twenty-fifth, which happened on Sunday, the first day of the year, old style, Captain Stone drew up his men on the shore. Passing over the conflicting and irreconcilable statements as to who actually fired the first shot when the rival forces met, Governor Stone's force was attacked by superior numbers on the land side and assailed from the sea by the guns of the *Golden Lion.* Under this double assault the combat resulted in a complete triumph for the men of Providence.

As stated, Stone was apparently surprised to find that, with

the aid of Captains Heamans and Cuts, the Puritans had control of the sea—a very decided and unexpected advantage. Before the actual clash of March 25th, he had been fired upon by Captain Heamans and compelled to land at a place not of his own choosing. The Governor's party having been thus forced into an unfavorable position, the Puritans embarked on board their boats, probably from the present Annapolis peninsula. After proceeding up the Severn some distance they landed and marched around the head of a tributary creek to approach Governor Stone from the west.

The description of the Puritan, Leonard Strong, is picturesque:

> Then the word was given: "In the name of God, fall on! God is our strength,"—that was the word for Providence. The Marylanders' [sic] word was "Hey for Saint Maries!" The Charge was fierce and sharp for the time; but through the glorious presence of the Lord of Hosts, manifested in and towards his poor oppressed people, the Enemy could not endure, but gave back; and were so effectually charged home, that they were all routed, turned their backs, threw down their Arms, and begged mercy. After the first volley of shot, a small Company wounded divers of our men, but were soon beaten off. Of the whole Company of the Marylanders there escaped onely four or five, who run away out of the Army to carry news to their Confederates. Captain Stone, Colonel Price, Captain Gerrard, Captain Lewis, Captain Fendall, Captain Guither, Major Chandler, and all the rest of the Councellors, Officers, and Souldiers of the Lord Baltimore, among whom, both Commanders and Souldiers, a great number being Papists, were taken, and so were all their Vessels, Arms, Ammunition, provisions; about fifty men slain and wounded. We lost onely two in the field; but two died since of their wounds.

The Puritans were now triumphant, and although quarter had been promised to all who surrendered they sat in judgment upon the prisoners and condemned ten to be executed—details omitted by Strong. These, however, are supplied by Barber as follows:

> After the skirmish, the Governor, upon quarter given him and all his company in the field, yielded to be taken prisoners; but, two or three days after, the victors condemned ten to death, and executed foure, and had executed all, had not the incessant petitioning and begging of some good women saved some, and the souldiers others; the governor himself being condemned by them and since beg'd by souldiers; some being saved just as they were leading out to execution.[78]

To this Virlinda Stone adds her testimony:

After quarter [had been] given, they tried all your councillors by a council of war, and sentence was passed upon my husband to be shot to death, but was after saved by the enemy's own soldiers, and so the rest of the councillors were saved by the petitions of the women, with some other friends which they found there.

Some few individuals of Governor Stone's force escaped capture; and, although but four were executed, the property and possessions of the remainder were, for the greater part, levied upon or confiscated.[74]

The triumph of the Puritans in Maryland was not unalloyed with misgivings. Having learned of the rebuke administered to Governor Bennett and the commissioners by Lord Protector Cromwell, they endeavored to cover up the sanguinary details of the encounter on the Severn. They tried to keep the prisoners cut off from their friends. Mrs. Stone was at first not allowed to see her husband, despite the fact that he was wounded; and dispatches were promptly sent to England presenting a favorable report of the affair from the Puritan standpoint. Besides their more or less official accounts, one of their number, Leonard Strong, prepared a notable paper on the occurrence, to which reference has been made. This, in turn, brought forth the vigorous reply by John Langford, entitled "A Refutation of 'Babylon's Fall.' "*

Additional commissioners for conducting the affairs of the Province were chosen from among those specially tested, so that complete control of the government should be firmly lodged in the hands of the Puritan party everywhere. Yet it may be taken as indicative of the misgivings of the Puritans and of their realization of the peril they ran should they arouse the ire of Oliver Cromwell that Governor Bennett left Virginia to plead in person before the Lord Protector the case of his associates. Because of the loss of records, however, nothing appears very

*The Jesuit missionaries were driven from Maryland to seek refuge in Virginia. Their experiences, subsequently to the defeat of Governor Stone, are described in their Annual Letter of 1655–1656: "Rushing into our houses, they [the Puritans] demanded for death the imposters, as they called them, intending inevitable slaughter to those who should be caught. But the Fathers, by the protection of God, unknown to them, were carried from before their faces in a little boat; their books, furniture, and whatever was in the house, fell a prey to the robbers. With almost the entire loss of their property, private and domestic, together with great peril of life, they were secretly carried into Virginia; and in the greatest want of necessaries, scarcely and with difficulty do they sustain life. They live in a mean hut, low and depressed, not much unlike a cistern, or even a tomb."[75]

definite until we read, in a letter from Cromwell, dated Whitehall, September 26, 1655, the Lord Protector's statement that the Parliamentary party in Virginia and Maryland had misunderstood his directions of the previous January. It is not improbable that Cromwell, who had already shown decided impatience with Puritan extremists both in England and America, was casting about for allies to hold the Protectorate in power against the Anglicans, who, he knew, were, in large numbers, secretly desirous of restoring the monarchy. It is not improbable, also, that Lord Baltimore and his friends were reminding the leader of the famous Ironsides of the aid they had given him against a common foe, and consequent promises of benefits to ensue in case the Parliamentary forces were triumphant. In any event, Lord Baltimore was at this time emboldened to make formal complaint to the Lord Protector in regard to affairs in his Province, whereupon Cromwell referred these matters, first to two Lords Commissioners, and then to the Lords of Trade. After prolonged discussion from early in the autumn of 1656 until late in the following year, an agreement was drawn up, November 30, 1657, between Lord Baltimore on his own behalf and Richard Bennett and Samuel Mathews on behalf of the Puritans of the Maryland Province in regard to the political and religious differences there, and also on behalf of the Virginians in regard to boundaries, land claims, etc.

In the meantime, affairs had been in a turmoil in the Province, and the references in the "articles of agreement" to the unhappy state of the colonists was by no means exaggerated. Business, trade, and all industry—even land tenure—was uncertain. Matters were rendered more difficult by Lord Baltimore's apparently premature appointment of Josias Fendall as Governor of the Province, the appointment being received by Fendall in Maryland as early as July 10, 1656. The Proprietary, always appreciative of the support of his friends—too appreciative of the support of some who were not worthy of his favor—had been attracted by reports of Fendall's activities in his behalf when Governor Stone had projected his ill-fated expedition against Providence the year before.*

*"He had," says Bozman, "commanded the military party sent by Governor Stone to the Patuxent for the seizure of some arms and ammunition . . . ; which he performed with a truly cavalier incivility, if not, as alleged by the Puritans,

Before Fendall could take any decisive action he was apprehended by the Puritans and tried for sedition or conspiracy before the Provincial Court. He was released, however, on his taking oath that he would neither directly nor indirectly be a disturber of the peace "till there be a full determination ended in England of all matters relating to this government"—a moderation on the part of the Puritan commissioners which was unusual with them, but which may indicate that they regarded their tenure of office as uncertain—probably because of warnings received from Bennett, Mathews, and other commissioners then representing them in the mother country. There is also some ground for the belief that Cromwell had become inclined to support that great principle underlying the foundation of Maryland, which was set forth, in part only, in the Toleration Act of 1649. There is no doubt that Cromwell had become disgusted with the excessive fervor of the religious enthusiasts who rose with him to power, and probably he was out of patience with reckless intolerance of all kinds on the part of any sect. Hence, it is fair to assume, from the evidence of what actually happened, that he thought the Maryland plan not only should not be interfered with, but that it represented an ideal to be emulated as a practical solution of one of the most difficult problems of government.

In his instructions to Josias Fendall Lord Baltimore made it clear that he wished all those who had suffered in defense of his rights to be reimbursed in some measure or their efforts in some way publicly recognized. Some were given large grants of land, as John Langford, author of *The Refutation;* Luke Barber, Thomas Truman, George Thompson, and Henry Coursey. His lordship also wrote that he was making special pleas for aid to the Lord Protector for the widows of Hatton, Lewis, and Eltonhead, who had been executed by the Puritans. Included in these articles were detailed instructions to the new Governor to define and make generally "notorious" the exact bounds of Maryland on the south, especially in regard to the Eastern Shore, according to the maps then in use, and that all persons

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with some severity and oppression." Judging from the subsequent acts of the man he probably gave real cause for offense, which militated against the cause of the Proprietary.

from Virginia should be required to have licenses from his lordship to trade or traffic in the Province.

Shortly after issuing these instructions to Josias Fendall, Lord Baltimore sent to Maryland his brother, Philip, to take charge of his personal affairs. Philip was made a member of the Council, and as such, by the custom of the Province, he became also a justice in the Provincial Court. He was given additional responsibilities and authority as Principal Secretary for Maryland and Principal Officer for all such important matters of record as wills, grants of lands or offices, letters of administration, probates, and inventories. It was some time, however, before the new government went into office. It has been previously noted that Fendall was, from the time of his appointment in July, held back by the Puritans during the summer and fall of 1656, during which period Captain Fuller continued to act as governor. Presumably Philip Calvert pursued the leisurely course of the winter trade routes and did not arrive in the Province till the spring of 1657. The records of the Province are blank as to the inauguration of the new governor and the installation of the first Principal Secretary; in fact, the first reference in the Council Proceedings to their presence is that of June 18, 1657. Of the five persons entitled to sit in the Council at that time, two only were present—Governor Fendall and Secretary Calvert. The only business then transacted was an arrangement for the appointment of Dr. Barber, as deputy governor in the place of Josias Fendall, who, it appears, was called to England to consult with the Proprietary, possibly to give an account of his already rather doubtful stewardship.

Fendall left the Province divided against itself. His actual authority may not have extended beyond the bounds of St. Mary's County, which was loyal to the Proprietary. The people on the Patuxent were divided in their sympathies between the government at St. Mary's City and the Puritan régime at Providence, to which was added Kent Island, nominally then a Claiborne possession, but politically dependent upon Providence. While the Province was thus divided, and neither faction dared to assert its authority at the headquarters of the other, and while Governor Fendall was absent, the Puritans, in accordance with their prearranged plan for the calling of triennial assemblies, issued a summons for a meeting at Patuxent. Only ten men were

"returned" at present. After repealing some of the acts of the previous Assembly, new legislation was proposed and passed. One of the acts recorded the first levy of a poll tax upon both freemen and "servants," the latter being, no doubt, chargeable to the master. Since poll taxes became most unpopular in the days of the democracy set up after the Revolution, this legislation is of interest. Other acts, for raising revenue, settling for expenses caused by the "Disturbance of Capt. Josias Fendall," the payment of bounties for killing wolves in St. Mary's County, etc., indicate that this Assembly at least claimed, if it did not exercise, authority throughout the whole Province. In addition, a standing committee was appointed to look after the (delayed) collection of the fines "amerced upon" any of the inhabitants concerned in the "last engagement": *viz.*, those who were fined for fighting under the Proprietary's banner three years before.

In the meantime, in England, Governor Fendall had been getting his instructions from Lord Baltimore, who was undoubtedly gaining the favor of Cromwell, the latter having reaccepted the titles of Lord Protector with additional powers and prerogatives, and having sanctioned the restoration of a House of Lords. The Proprietary's instructions at this time indicate that he did not wholly trust Fendall, despite the latter's fair promises, for he stipulated that in the case of the death or absence of Philip Calvert, Fendall should do all things with the advice and approval of the sturdy old settler, Captain Thomas Cornwallis, to whom the Proprietary turned in time of doubt or need. In any event, there again followed the usual winter voyage, and Fendall arrived in Maryland, February 26, 1658, to resume his duties as Governor of the Province and actively to assert the authority of the Proprietary.

The day after Fendall's arrival a meeting of the Council was called at St. Mary's, and the agreement, or treaty heretofore mentioned, between Lord Baltimore and Richard Bennett was "published" amid, as we may well imagine, the excitement and probably the enthusiasm of most of the colonists, who now had grounds for hope that civil war, conflict of authority, or at best, the armed truce, was at last at an end. Copies of the agreement were dispatched at once to Captain Fuller, Richard Preston, and other representatives of the government at Providence. With

these copies went a request for a meeting at St. Leonard's between the Puritans on the one side and Fendall, Secretary Calvert, and Captain Cornwallis, on the other.

The representatives of both parties to the controversy met March 22d, and it is interesting to note that the Puritans objected chiefly to those provisions which would involve an appeal to "his highness" the Lord Protector. From this we may assume that although they had been most vociferous in proclaiming Cromwell's authority and in always pretending to act under it, they had now lost faith in his support. After no little debate the Puritans gained their point, and the Proprietary's instructions were actually so modified as to leave no room for any doubt as to complete amnesty for the Puritan leaders without submitting appeals to the Lord Protector. A few other changes were made, and the articles of the Maryland agreement were drawn up and published under the seal of Governor Fendall and attested by Secretary Calvert.

All now seemed peaceful in the Province, and complete restoration in Maryland, subsequently to the Puritan Revolution, would have preceded the political restoration in Britain but for the unstable character of Governor Fendall. Apparently, the Proprietary could have made no greater mistake than in the choice of this agent. From the first notice of him in the Province it appears that he was always restless, vigorous at times, yet vacillating and unreliable. Scarcely had the agreement with the Puritan party been signed before he gave evidence of unfaithfulness to his pledges.

The Maryland Assembly was convened in February, 1660, "at Mr. Thomas Gerrard's and Mr. Robert Slye's." Apparently with the secret connivance of Fendall and some prominent Puritans, the leaders of a movement in the Lower House declared that the Burgesses constituted "a lawful Assembly without dependence upon any other power in the Province."[76] From what subsequently took place it would appear that these curiously irregular proceedings were part of a conspiracy by means of which Fendall purposed making himself a "Protector" or virtual dictator in the Province. In any event, he forthwith began to stir up disaffection against the Proprietary, with the announced intention of changing the form of government into a common-

wealth, Fendall giving up his commission from Lord Baltimore and accepting a new one from the Assembly.[77]

But Charles II was now King in England, and the Lord Proprietary had been restored to favor at Court; so that Fendall's revolution came to a sudden end in the proclamation of His Majesty, commanding the aid of magistrates, officers, and all loyal subjects to reëstablish in full "the rights and jurisdiction" of Lord Baltimore within his province. Philip Calvert was commissioned Governor in the place of the faithless Fendall, June 24, 1660, and a general pardon was issued to all except Fendall and one John Hatch, and even these were shortly afterward released, the former pleading illness and giving security for good behavior, and the latter, after the imposition of a fine. Captain William Fuller thought it wise for a time "privately to lurk and obscure himself in unknown places," so Governor Calvert issued orders that he be apprehended and required to submit to the duly constituted authorities under the King and the Proprietary. Thus ended the régime of the Puritans in Maryland; and it may be said that however much we may feel disposed to condemn their intolerance in an age when tolerance was exceptional, it would seem that their descendants have made atonement for the narrowness of their progenitors by contributing liberally to the growth, character, and history of the Province and state.

In the presentation of American history, not a few otherwise careful writers have fallen into the habit of overextolling the ideals of the first immigrants of this colony or that one. Particularly is this hagiology elaborated and reiterated in the case of the settlers at Plymouth. Undoubtedly, the latter had high ideals, and they are to be honored for them; but they were, nevertheless, human, and one of the reasons they themselves assigned for making a change of abode was "to better their condition." The founders of the Province of Maryland likewise had ideals, one of which, it seems fair to say, represented a vision greater even than the well-known desire to worship God according to their own (group) consciences, and this was the ideal of not interfering with the conscientious practices of others. Although somewhat anticipating the chronological de-

velopment of the narrative, it is well at this point to set forth the statement of the third Baron Baltimore. A short time after the death of his father, Charles wrote:

> At the first planting of this Province by my father, albeit he had an absolute liberty given to him and his heirs to carry thither any persons out of any of the dominions that belonged to the Crown of England who should be found willing to go thither; yet, when he came to make use of this liberty, he found very few who were inclined to go and seat themselves in those parts, but such as for some reason or other could not live with ease in other places; and of these a great part were such as could not conform in all particulars to the several laws of England relating to religion. Many there were of this sort of people who declared their willingness to go and plant themselves in this Province so they might have a general toleration settled there by a law by which all sorts who professed Christianity in general might be at liberty to worship God in such manner as was most agreeable with their respective judgments and consciences, without being subject to any penalties whatsoever for their so doing, provided the civil peace were preserved; and that for the securing the civil peace and preventing all heats and feuds which were generally observed to happen amongst such as differ in opinions, upon occasion of reproachful nicknames and reflecting upon each other's opinions, it might by the same law be made penal to give any offence in that kind. These were the conditions proposed by such as were willing to go and be the first planters of this Province, and without complying with these conditions, in all probability, this Province had never been planted.[78]

The above quotation is a part of a report returned by Charles Calvert in answer to a number of queries propounded by the Lords of Trade. Certain Anglican priests had expressed a desire that a religious census be taken of the Maryland colonists. Such "scrutinies" into the predilections of the people, declared Charles, would take much time and "either endanger insurrections or a general dispeopling of the Province."

Since it is clear that such limitations upon freedom of conscience as are found in the so-called "Toleration Act" were inserted in that law in contradistinction to the established custom in Maryland, it is easily conceivable that Lord Baltimore was prepared to extend toleration not only to all those of the Christian religion, but to those of no religion, just as he freely extended toleration to the Jew, as soon as he had an opportunity to do so. In the early records of the Province we find at least one definite reference to an atheist. Lord Baltimore was compelled to take action against this individual, apparently, not because the offender—one William Mitchell—was accused of having boasted "most prophanely in publick discourse" that he

had "no religion," but because of his loose living and flagrant misdemeanors. It was his scandalous immorality that led Lord Baltimore to depose him from the Council and issue regulations governing, in future, the conduct of members of that body by which he hoped to avoid scandal among those who held high office.

In the New England colonies, the name of Wenlock Christison is connected with wanderings, proscription, and persecution; his connection with the Province of Maryland is a story of settlement, peace, and possessions. There was no spot other than Maryland—apparently not even Rhode Island—where this leading spirit in the Society of Friends could find a resting place. After he had traveled thousands of miles in two hemispheres, Christison married in Maryland, and on the Eastern Shore of the Province made a home which he quaintly, yet significantly, named "The End of Controversie." In American history Christison is generally known only in connection with New England, partly because of persecution there and partly because of his dramatic "warning" to the stern magistrates of a Puritan theocracy that, "Ye shed no more innocent blood." From the more extended accounts we learn that Christison suffered floggings, imprisonment, and starvation in the Massachusetts Bay Colony, in the Plymouth Colony, and in what is now New Hampshire. In Rhode Island, apparently, he was not actively prosecuted; but, for some reason, it would seem he was not content in the colony of Roger Williams.* The period of his wanderings and persecution lasted from about 1656 to 1665. Subsequently, Christison, after planning a trip to Barbados, disappears from view, until the Talbot County records disclose the fact of his arrival, in or about the year 1670, on the Eastern Shore of the Chesapeake. In short, about five years after he was driven from one New England township to another "with many lashings," we find him in Maryland living at his ease. Six years later he was elected a member of the Maryland House of Burgesses.

As strikingly illustrative of the characteristic religious tolerance of Maryland under the Lords Baltimore, it is recorded not only that Christison and other Friends were elected to office in Maryland, when Quakers were undergoing persecution elsewhere, but that they were represented on an important commis-

*Supra, p. 96.

sion which took part in settling boundary disputes between Maryland and Virginia. In a paper read before the Maryland Historical Society, Dr. Samuel A. Harrison declared that there was a

> small society or settlement of Friends—a settlement of which the historians of that body of Christians have failed to give any account whatever within the territory disputed by Virginia and Maryland, upon the borders of Somerset and Accomack counties. An attempt was made by one Colonel Scarborough, or Scarburgh, to bring these people under the jurisdiction of Virginia. But they positively refused to acknowledge the authority of that province and claimed to be under the government of the Lord Proprietary of Maryland. This was in 1663. It would appear that anteriorly some of these people had removed out of Accomack, into what they supposed was Lord Baltimore's territory, and having accepted patents under his seal they persisted in regarding themselves inhabitants of Maryland, notwithstanding Col. Scarborough's threats of violence.

Dr. Harrison has further stated that at Christison's house the

> first meeting of Friends, of which there is any official record, ever held in the county, in the State [Province], or perhaps in the whole country, assembled.[79]

In Maryland the Quakers caused trouble because of their scruples as to taking oaths, filling legal forms, the doffing of hats in court; and, finally, and most important, as to taking part in war or in preparations for defense. It was chiefly for these reasons that, during the prescriptive and, one may say, the uncharacteristic, Fendall régime, severe laws were recorded as having been passed against them, to the point of prescribing whippings and banishment. Fendall and his advisers, at odds with Lord Baltimore's ideas and policies, may have deemed these laws necessary for the preservation of the colony; but they were soon done away with in practice, so that there was no organized or general persecution in Maryland, even though the Quakers went about to persuade others not to obey the laws of the land, including those concerning juries and the administration of the courts. For defiance of law and not for difference of faith, they were punished by fines and confiscation, in order to force them to pay the proportion of the expense of a common defense and government.[80]

Indirect references have been made to the relative proportion of Catholics and Protestants in the early days of the Prov-

ince. Probably no one will be able exactly to ascertain the relative numbers; but it is difficult to see how any conclusion may be drawn other than crediting the sum total of the various branches of Protestantism with numerical preponderance. Testimony to this effect is given by both sides; but the strongest and most emphatic comes from the Jesuit Fathers. In Volume I of the *American Historical Association Reports* Professor Alfred Pearce Dennis presents the following summary:

> The second Lord Baltimore sent over his first colonists to Maryland in 1634. Of these adventurers who seated themselves at St. Mary's, near the banks of the Potomac, a very considerable number, if not a majority, were Protestants. Father Henry More writes to Rome, "by far the greater part of the colony were heretics." The father provincial wrote to Rome, less than seven years after the founding of the colony, "three parts of the people or four at least are heretics."[81]

On the other hand, in his *Maryland, the Land of Sanctuary,* Bishop Russell sets forth an excellent argument to the effect that the Catholics outnumbered the Protestants, particularly in regard to the emigrants on the *Ark* and the *Dove.*

The sometimes testy and mistaken, but always forceful and interesting "Captain General" Cornwallis, was the most conspicuous champion of the civil liberties of the people of the Province against special privilege. On the other hand, because he conscientiously put first and foremost the age-old and then generally accepted "Immunettyes and Priveledges" of the Church, he failed to envisage the modern ideal of the supremacy of the civil authority in temporal matters. Cornwallis saw "eye to eye" with George and Cecil Calvert in the important matter of freedom of conscience; yet, unlike the Founder of Maryland, he did not perceive that special privileges in temporal things, if granted to ecclesiastics in Maryland, could be used to work the ruin of the new idea of religious toleration, which he cherished as ardently as civil liberty. He did not envision the supreme importance of the complementary feature of Lord Baltimore's plan without which religious liberty was scarcely attainable—the separation of Church and State.*

Father Fisher [Mr. Copley] had evidently made strong rep-

*In a letter to Lord Baltimore, in which he supported Copley's views as to special church privileges, Cornwallis wrote: "Your Lordship knowes my securety of Contiens [conscience] was the first condition that I expected from this Government."—*Calvert Papers,* pp. 171–173.

resentations of the ecclesiastical side of the case to the good captain; but, as Stratemeier states in his biographical sketch of Cornwallis, Copley's "fears as to Lord Baltimore's usurping ecclesiastical jurisdiction are unfounded"—as unfounded, indeed, as the opposite apprehension held by some of the Protestants—that Lord Baltimore desired to establish an ecclesiastical hierarchy. The Jesuit missionaries were thinking in terms of the politico-religious customs of the medieval Church; Baltimore, in terms of a new order far in advance of the custom of his age. Nothing could better illustrate Cornwallis's honest, but limited, vision in this matter than one of his own expressions in his letter to Lord Baltimore. In pleading the cause of the ecclesiastics, he says, with sincere conviction:

> Give untoe God what doth belong toe Him, and *doubt not but Cesar shall receave his due.**

This chapter concerning the civil and religious problems that arose in the early years of the Province would not be complete without the story of the loss and replacement of the Great Seal of the Palatinate. In 1648, Lord Baltimore sent over a new seal to replace the old, which was lost, destroyed, or carried off during the irruption of Richard Ingle. Happily, this afforded Lord Baltimore an opportunity to describe the seal at length. The detailed description may be found in full in sundry reference volumes; but some recent and authoritative comments on the proper interpretation of the Maryland motto are worthy of special note. In a letter to the author, June 21, 1923, Francis B. Culver wrote, in part:

> *Fatti Maschii Parole Femine* has been variously interpreted. A polite rendition makes it mean "manly deeds, womanly words." I believe, however, that the motto was derived from some proverb formerly in common use among the Italian masses, connoting "Deeds for men, words for women," or "Let women talk, men act."

From Florence, Italy, Professor Bruno Roselli wrote:

> The "courage and courtesy" translation of the Calvert motto is wrong. So is the other—"manly deeds, womanly words." The latter shows thorough

*With respect to civil matters Cornwallis, in one brief but significant expression, epitomized the spirit of the American colonists: "I love toe bee the manager of my owne Affayres, which favours, if your Lordship please toe grant mee, I shall not care for other Approbation."[82]

lack of understanding concerning the position of women in the late mediaeval and early Renaissance Italy. . . . When an Italian, whoever he was, said *"Fatti maschii, parole femine,"* he was throwing no bouquets at the fair sex. In stating that deeds are fit for men, words for women, he was restating in sterner fashion the purposes of Mosca de Camberti, who cut short the discussions of the Corsi-Donati feud in Dante's Florence by shouting: *"Cosa fatta capo ha!"**

The first reference to the women of the Province is found in the *Relatio Itineris,* when, at St. Clement's Island, "the mades which were brought along" upset the boat. Presumably this somewhat prosaic incident took place at the first landing off St. Clement's Island on or about March 7th.

Virlinda Stone (*supra*) was not the only woman in Maryland who wrote to Cecil Calvert. In a postscript to a letter to Leonard Lord Baltimore wrote:

I pray commend my kind respects to Mrs. Mary Traughton and thanke her for mee for the letter shee sent mee this yeare in answeare of another which I had sent vnto her the yeare before.[83]

Mistress Mary Troughton was a widow who came over with Margaret and Mary Brent. In the original "Note of All the Warrants for the Granting of Land in Maryland" is found this entry:

30 July, 1638: Mrs. Traughton, to grant her as much land as any of the first adventurers had in respect of the transporting of five persons thither under the rent mentioned in the first conditions.

About two years later, she was the recipient from his lordship of a "special warrant for 50 acres of Towneland," which was duly surveyed for her in 1640 and patented early in 1641.[84]

The first and one of the most notable eulogies of a Maryland helpmate is from the pen of the worthy Captain Cornwallis, who eloquently testifies to the virtues of the wife of his friend, Jerome Hawley:

Well may the discharging of the office he hath undertaken invite him [Hawley] sometimes to look towards Virginia, but certainly not with prejudice to Maryland, from whence he receives the greatest comforts that the world affords him, both for soul and body, the one from the Church, the other from his wife, who by her comportment in these difficult affairs of her husband's, hath manifested as much virtue and discretion as can be expected

*Letter to author, May 14, 1926.

from the sex she owes, whose industrious housewifery hath so adorned this desert, that should his discouragements force him to withdraw himself and her, it would not a little eclipse the glory of Maryland.[85]

In the early records of Maryland there are numerous instances of women being made executors for the estates of their husbands, and in some instances for the estates of others, as in the case of Margaret Brent, to say nothing of the executorship of Mrs. Gertrude James, who, in the settlement at Kent Island, preceded Margaret Brent and the Calverts. In addition to these activities of the women of the Province, it is recorded that the General Provincial Court held at Patuxent on September 22, 1656, "ordered that a jury of able women be impanelled and to give in their verdict to the best of their judgment" as to whether Judith Catchpole had been guilty of infanticide. The jury returned a verdict of "not guilty," and the Court ordered that "the said Judith Catchpole be acquitted of that charge unless further evidence appear."[86]

Certain accompanying allegations made by Elizabeth Norton, Andrew Wilcox, and James Jolly indicate that Judith Catchpole was one of the several unfortunate persons who were accused of practising sorcery or witchcraft on the voyage from England to Maryland; but such was the good sense of the people of Maryland that no special attention was paid to these charges beyond the formal procedure of taking the deposition of the witnesses. The Council or Court was composed of Captain William Fuller, Richard Preston, Edward Lloyd, John Pott, and Michael Brooke.

In the Court Records of Kent County for 1667, it is shown that a similar jury of women was impaneled to try one Hannah Jenkins. The names of the jurors were: Mary Vicaris, Rebeka Denny, Christina Ringgold, Elizabeth Cappage, Katherine Osborne, Mary Southerne, Dorothy Williams, Margaret Jones, Elizabeth Winchester, Hannah Dabb, Ann Blunt, and Katherine Stale. The result of their deliberations was given briefly:

The Juryes verdick is that the same Hannah Jenkins is cleared from child bearing and never had a child to the best of their knowledge.

[Signed] MARY VICARIS, Forewoman.[87]

13 Oct. 1667.

CHAPTER IV

Restoration

'Tis said the Gods lower down that Chain above,
That tyes both Prince and Subject up in Love;
And if this Fiction of the Gods be true,
Few, Mary-Land, in this can boast but you:
Live ever blest, and let those Clouds that do
Eclipse most States, be alwayes Lights to you;
And dwelling so, you may for ever be
The only Emblem of Tranquillity.

Alsop.

I REALLY believe [wrote George Alsop] that this Land or Government of Mary-land may boast that she enjoys as much quietness from the disturbance of rebellious opinions, as most States or Kingdoms do in the world, for here everyone lives quietly, and follows his labour and employment desiredly.[1]

Alsop penned this comment at the beginning of the second period of proprietary control of the Province, when Lord Baltimore was again able to practise toleration, with the subordination of all churches to civil authority. This interesting character had arrived in Maryland as an indented servant bound out for a term of service in payment for the cost of his passage, estimated at some £6 or thereabouts, above any necessary additional equipment. He was engaged in putting such literary talent as he possessed into the matter of commending the Province to others. However, a great deal of his exposition of conditions in Maryland may be verified by other sources. One may, for instance, compare his reference to Maryland as the "Emblem of Tranquillity" with the utterly spontaneous testimony given by Wenlock Christison when he named his Maryland home "The End of Controversie."[2]

Undoubtedly these observations are valuable in presenting the point of view of a keenly intelligent sojourner in the Province. Alsop dwells at length upon the exceptional freedom in respect to religious opinion in Maryland above all known

countries. The people, he furthermore declared, are "free from the Aquafortorial operation of great and eating Taxes." He testified that purlieus of vice and harboring places for criminals were unknown, and that civil trials were quickly ordered and completed and did not hold over for several terms of court, as in England at that period. In Maryland:

> If the Lawyer had nothing else to maintain him but his bawling, he might button up his Chops and burn his Buckrom Bag, or else hang it upon a pin untill its Antiquity had eaten it up with durt and dust.

Again:

> Neither has youth his swing or range in such a profuse and unbridled liberty as in other Countries; for . . . the Son works as well as the servant, so that before they eat their bread, they are commonly taught how to earn it.

So far has the idea of absolute rule as embodied in the Royal Charter been set aside that Alsop describes the Maryland Assembly as a "number of men" to whom "is delivered up the Grievances of the Country," which he terms "the Republique."

In 1661 Charles, the eldest son and heir of Lord Baltimore, was sent out to the Province as Governor (Lieutenant General) to take the place of his uncle, Philip Calvert, who was made Deputy Lieutenant and Chancellor; but during the following decade the fact that the early annalists have made so little mention of happenings in the Province recalls the ancient saying that happy is the people which has no history, since almost the only history which was once accounted worthy of record consisted of stories of war and bloodshed. The Jeffersonian maxim may also be applied to the Maryland colonists of this period—that the people who are governed best are those who are governed least.

In Maryland, as in Virginia, it is to be noted that the tendency prevailed for the more opulent colonists to secure for private estates large tracts of arable land along the waterways. This had the effect of greatly restricting the possibilities of the growth of small towns or communities, such as those which, during the same period, were so rapidly increasing in New England. The lack of "towns" was a subject of indirect complaint in a subsequent enactment of the Assembly; but this chief cause

of the lack of them was not mentioned. Doubtless some of the legislators themselves owned property in large estates. In the reckless cultivation of such a product as tobacco the soil soon became depleted, and the convenient extension of arable areas was regarded as a common necessity.

In a commission subjoined to the "Conditions of Plantation" of 1649, Cecil Calvert had offered the same terms and privileges to persons of French, Dutch, or Italian descent as he had offered to settlers from the British Isles, a proposition that suggests the interest displayed by George Calvert in the proposed emigration of the Walloons to Virginia.* It also brings to mind the supposition already mentioned as to George Calvert's assistance in securing permission for the repatriation under the British flag of the Separatists in Holland.[3] The Founder of Maryland welcomed desirable settlers regardless of creed or nationality. Informally he refused refuge to none; *officially* he made his invitation as broad as he dared in the face of the temper of the times in which he lived. Herein the Founder of Maryland differed from the other founders of the first colonies, unless we except Sir Edwin Sandys as the head of the Virginia London Company. While Sandys lacked the opportunity to demonstrate his views on these matters in their entirety the evidence as to Lord Baltimore's liberality is overwhelming.

Within a few years after Cecil Calvert had regained control of the Province he took steps to smooth the way for the "denization" of alien nationals. Consequently, although Virginia had prepared for the settlement of a few Dutch and others, and the General Court of Massachusetts had, in 1652, granted to some Huguenots "liberty to inhabit," the General Assembly of Maryland may be credited with the passage of the first naturalization enactment, whereby Captain James Neale's children, who were born in Spain and Portugal, were duly made "naturally and lawfully" citizens of the Province. Neale was himself an Englishman. This enactment was soon followed by one more comprehensive, also by order of the Assembly of April–May, 1666. By the terms of this act, a number of persons of widely different nationalities were made citizens of Maryland, with all the rights and privileges of those of British or Irish descent. A surprising number of special acts of naturalization followed,

Supra, p. 3.

passed not only by this assembly but by subsequent assemblies. Very probably, the Proprietary desired a general naturalization statute; but although such a law was debated in the assemblies of 1669 and 1671, it failed of final passage because of disagreements between the Upper and the Lower House.*

Early Maryland was preëminently an agricultural community. In spite of its unparalleled water front the people were not given to commerce, shipping, and fishing on a commercial scale, as in New England, where subsistence by tilling the soil was so much more difficult. The medium of exchange was tobacco; nevertheless, some of the settlers had shown signs of a desire for a convenient currency in lieu of having almost all business transacted in hundred-weights-and-casks of their chief crop. The Proprietary made special endeavors to introduce English coins and currency into his colony, while the people of Alsop's "republic" were willing to fall back upon the palatinate prerogatives—as they did when such action did not threaten to interfere with their democracy—in order to establish a mint for the manufacture of such currency as was demanded by the conditions of provincial trade. Eventually Maryland had its own currency; but it appears that the mint was "set up" in England and the coins issued thence, those put in circulation being the penny, groat, sixpence, and shilling. Ogilby, in his *Description of the New World,* wrote:

> The general way of traffick and commerce there is chiefly by Barter, or exchange of one commodity for another; yet there wants not besides English and other foreign coins some of his Lordship's own coin, as Groats, Sixpences, and Shillings, which his Lordship, at his own charge, caused to be coined and dispersed throughout the Province. 'Tis equal in fineness of silver to English sterling, being of the same standard, but of somewhat less weight. It hath on the one side his Lordship's coat of arms, stamped with his motto

*By way of contrast, it is worthy of note that shortly before the World War Russia and Germany vigorously reasserted the doctrine: "Once a national, always a national." These early acts of naturalization in Maryland may be said to mark the beginnings of the Jeffersonian policy of changed allegiance, a policy restated by Seward in the following words: "The United States have accepted and established a Government upon the principle of the rights of men who have committed no crime to choose the state in which they will live, and to incorporate themselves as members of that state, and to enjoy henceforth its privileges and benefits, among which is included protection. This principle is recommended by sentiments of humanity and abstract justice. It is a principle which we cannot waive. It is not believed that the military service which can be procured by any foreign state in denial of this principle can be important or even useful to that state."—*Cf.* Hon. R. S. Fraser, *Nationality and Allegiance,* pp. 41–42.

circumscribed *"Crescite et Multiplicamini,"* and on the other side his Lordship's effigies, circumscribed thus: *"Caecilius, Dominus Terræ Mariæ,"* &c.

The privilege of coinage was prohibited to the Lords Baltimore after the accession of William and Mary. An act of the Assembly in 1708 prescribed penalties for the cutting or clipping of coins; and it appears from the terms of the later enactment that there were then in circulation in the Province a goodly number of foreign coins, including Spanish pieces, which were cut into quarters through the centerpieces, called "sharp-change" because of the points and edges, and which must have been particularly severe upon the material of the purse, pouches, or pockets of those who used them.

Fixing the prices and production of commodities by governmental fiat has been a fetish that appears and reappears in the life of every people or country. In 1666 Governor Drummond of Carolina (Albemarle County), Governor Berkeley of Virginia, Governor Calvert of Maryland, and their respective councils and legislative bodies, united in proclaiming a year's total cessation in the planting of tobacco, Maryland agreeing to the urgent and repeated requests of Governor Berkeley in particular. Accordingly the Maryland Assembly, in April, 1666, passed a law that,

> Forasmuch as tobacco is the only commodity by which this Province doth at present subsist, which, by the unlimited freedom of all persons to plant of the quantity and at what time they please, hath glutted all markets for divers years last past . . . be it enacted . . . that from and after the first day of February, which shall be in this present year 1666 [1667] till the first of February which shall be in the year of our Lord, one thousand, six hundred, sixty-seven [1668], no tobacco shall be sown, set, planted or anyway tended within this Province of Maryland, provided that the Hon. Sir Wm. Berkeley and the Assembly of Virginia and Wm. Drummond, Governor of the Southward Plantations [Albemarle in Carolina] and the Assembly there do make the like acts in their several and respective Assemblies.*

Thereupon, the Maryland Assembly appointed a commission and empowered it to act in accordance with the procedure of the respective governments of the colonies of Virginia and Caro-

**Archives,* Assembly Proceedings for April, 1666, pp. 143–144. Little did these governors there assembled in amicable conference dream that the Governor of Carolina was, in the next decade, destined to be hanged by the Governor of Virginia. Drummond played a prominent part in Bacon's rebellion. When captured by the vengeful Berkeley the latter greeted his prisoner: "Mr. Drummond, you are welcome. I am more glad to see you than any man in Virginia. Mr. Drummond, you shall be hanged in half an hour," to which the calm Scot replied: "As Your Honor pleases."

lina. This was the first effort to secure, for any purpose, united action on the part of three Middle Atlantic colonies. Agitation for this coöperation had been begun several years before, and Governor Berkeley had written to Governor Calvert saying that His "sacred Majesty," Charles II, had not only taken heed to the "languishing condition" of the colony, but that he had "commanded" him (Berkeley) to report to His Majesty on the remedy that he should suggest; and that he must, therefore, convey word as to whether Governor Calvert gave "acceptance or refusal" thereto. Berkeley's messenger in the matter was the former Puritan, Richard Bennett. Apparently, according to Governor Berkeley's representations, the King had approved the proposed plan, indirectly, at least. But all concerned had reckoned without the Proprietary of the Maryland Province. Upon hearing of the action of the various governors and that of their respective assemblies, including Maryland, Cecil Calvert refused his sanction in an emphatic "disassent." The reason he assigned may be summarized in his own words, *viz.*, the "Inconveniences which may follow, not only to the poorer sort of planters within our said Province, but also the King's most excellent Majesty in relation to his Majesty's customs." From his further expressions in this declaration and from other evidence we gather that the Proprietary was principally concerned about the difficulties and deprivations which the "poorer sort" of settlers might endure in the non-crop year, whilst the large planter lived upon his accumulated capital or well-stocked estate; but he shrewdly brought into play the pecuniary interests of the sovereign in order to gain the latter's support against the wishes of influential settlers in the three colonies.

So failed this early effort to secure colonial coöperation in economic matters. The various proposals for relieving the distress of the colonial planters growing out of the excess of tobacco production and the consequent decline in value were debated at length in Great Britain before the Lords of Trade, and the Privy Council. On behalf of the contentions of Governor Berkeley there appeared commissioners from Virginia and England, one of whom was the former peacemaker between Baltimore and the Puritans, Edward Diggs (*supra*). Lord Baltimore stated the case for himself and Maryland and met the arguments of Berkeley and his advisers with such ability that he won

his cause. Calvert pointed to the fact that the colonies had, on several occasions, weathered similar periods of distress; and when the Virginians, apparently by their own suggestion, proposed diversification of crops—a suggestion forcefully brought to the attention of the cotton growers in the Southern States in the Twentieth Century, and which was under discussion in Congress for the wheat growers of the Northwest—Lord Baltimore said he would "concur to any expedient that shall be thought fit to set the Plantation[s] upon more staple commodities."[4]

In recommending diversity of crops, Lord Baltimore showed economic wisdom in common with the commissioners; but when the latter proposed a secondary plan to "stint" tobacco production he sharply dissented. The secondary or substitute proposition brought forward by the commissioners advocated that a date be set in the summer (variable according to latitude) after which it should be unlawful to plant any more tobacco. In reply Baltimore began by reviewing the difficulties of setting a definite "stint day" in advance. There was first the uncertainty of the weather; in 1663, for example, there had been "no season to any purpose in Maryland till the 20th of July." Then, to these introductory objections he added the shrewdly practical observations:

> That there will be no means of convicting transgressors without either encouraging servants to inform against their masters, or next neighbors, one against another, both which will be odious and dangerous for perjury and setting families in combustion both within themselves, and one against another; or else appointed officers in every county, or hundred, to view every several Plantation afore, and presently after, the stint day, to note and number how many hills, or what portion of a field is planted before the day, which, in so many Plantations so far distant one from another as they are in those parts, will be a matter of great charge and trouble; and no officers will be found willing to undertake it without considerable salary for their pains, and no way to raise those salaries. Moreover, if any officers should be appointed to see to the execution of it, it is to be feared there will be that negligence, corruption, or partiality in it, as will render it ineffectual to the end intended, as was found by experience in a like Act in Virginia for burning tobacco, which by this means came to nothing.[5]

Although, at sundry times, notably in 1681 and 1682,[6] the question of declaring a year's cessation of tobacco planting came up subsequently to the great debate under the proprietorship of Cecil Calvert, some of the causes of the difficulties in 1666

were the war with the Dutch and the Great Plague of London, both of which cut down trade with the American colonies. Again, 1667 was long remembered in Maryland and Virginia as "the year of the hurricane," which, it would seem, from contemporary accounts, was the worst that had visited this part of the Atlantic seaboard. It was stated that in Virginia some fifteen thousand houses were blown down, and three fourths of the tobacco crop was destroyed, which last result must have had the effects of a considerable "cessation" of planting.

In his declining years, Sir William Berkeley had become tyrannical and avaricious. He was, also, in modern parlance, a bad loser; he was furious that his well-laid plans, upon which he had been working almost from the date of his return to power under Charles II, should be thus brought to nought by Lord Baltimore, just as they seemed to be assured of success in the "Treaty," as he called it, of 1666. Consequently, he dispatched a formal complaint against Lord Baltimore, addressed to Charles II and the Privy Council, in which he presented a lengthy review of the negotiations between the colonies. He recited how, "Accompanied by some of the [Virginia] Council, he did, in the depth of winter, to the very great hazard of his health, perform" a journey to Maryland, whereby he had "dealt so effectually with the Lieutenant General of that Province, and others of the most understanding persons" that they had finally acceded to his proposal. Then like an unforeseen storm there appeared "an Instrument under the signature and Seal at Arms of the Lord Baltimore in absolute and Princely terms prohibiting the execution of the Act and Articles."

The "Complaint" was phrased in the best style of the staunch old Royalist Governor, who headed the list of signers. Whether the other signatures were affixed with enthusiasm or against their secret wishes, as in the case of the Speaker of the Maryland House of Burgesses,[7] we find appended thereto the seals of Thomas Swann and Miles Cary, names destined to become prominently identified with Maryland events of a much later time; George Reade, son-in-law to Captain Martiau, the first Burgess for Kent Island and ancestor of George Washington; the once belligerent Puritan, Richard Bennett, active in both colonies; Nathaniel Bacon, soon to become America's first rebel of note; Edward Carter, and others.[8]

To this complaint Cecil Calvert made final rejoinder, in which he recounted the whole story of the negotiations and restated his objections to an arbitrarily fixed non-crop year:

> For [as he affirms] the poorer sort of Planters (who are the most in number, and of whom the Lord Baltimore must have as tender a care as of the rich) would have no advantage of it; for these wanting clothes, and necessaries with which they are unable to stock themselves beforehand for so long a time as a whole year (in which no supplies will come) will be inforced to sell their commodity either to the merchant, or the richer planters at the buyers' price; so that which is desired may probably have the effect to make the merchants here, the more substantial planters there, (who have stocks to engross the commodity) more rich, but it would wholly ruin the poor, who are the generality of both Provinces.[9]

Cecil Calvert was well advised as to the temper of a free people, already remarkably well versed in self-government. A law such as the one proposed would have provoked "dangerous discontents" in England, to say nothing of America. Its enforcement might have led to a serious rebellion against constituted authority, or a general and increasing disregard of all laws and regulations. Furthermore, Lord Baltimore adduced convincing evidence, which had reached him in England, of the feeling of relief experienced by many of those who were more or less secretly opposed to the measure, when they learned that the law would not go into effect—and this evidence came from both Maryland and Virginia.

The ingrained objection of Anglo-Celtic peoples to interference with their ideas of personal liberty—particularly those in the American colonies, whether that interference were instituted by absolute monarch or representative legislature—is further exemplified in the course of the efforts to regulate the wanderings of the settlers' cattle. The General Assembly of 1649 which enacted the famous "Act Concerning Religion" also enacted, almost immediately thereafter, so material a measure as one entitled "An Act touching Hoggs & the Marking of Cattell."[10] This apparently trivial bit of legislation had a counterpart in other colonies; the problem it attempted to solve intimately concerned the life and customs of the people in these new communities. Agitation in Massachusetts over the fate of a poor woman's pig played a part in the ultimate downfall of the extreme form of New England theocracy as set up by the Puri-

tan Fathers. In Massachusetts, it was a question of the rich man's ownership of great tracts of unfenced land, upon which roamed the poor man's pig to its confiscation by the wealthy neighbor when it entered the latter's cultivated fields and gardens. The Maryland cattle law of 1649 made it obligatory upon every farmer or planter to record his cattle regularly and to register his particular mark of ownership. In this procedure we are furnished with a significant commentary upon Anglo-Celtic temperament, in that the greater the degree of democracy, the more difficult it is to enforce a regulation of this character. It was more difficult to enforce the act in the case of the poor man than in that of his wealthy neighbor. Consequently, this law, which seemed essential to the welfare of the people, was allowed to lapse after one reënactment and a brief renewed effort to enforce it. Subsequently, but only as a voluntary practice, for convenience of identification, farmers devised and maintained for generations the plan of slitting or cutting the ears of their hogs according to their own improvised designs.

Upon the passage of these and sundry other penal statutes the Assembly of 1662 set out to provide adequate facilities to accommodate both the lawmakers and the lawbreakers: *viz.*, "a house" for holding Courts and the Assembly, and a prison for "Securing Mallefactors and other Exorbitant Persons." At first this charge was delivered to Hannah Lee, "the relict of Hugh Lee," who, for proper remuneration, agreed conveniently to roof the dwelling house on her late husband's estate. But shortly thereafter Hannah remarried, and the Assembly of 1664 passed an "Act of Encouragement for William Smith in his undertaking the Country's worl- at St. Mary's," by which it was meant that he was to construct a new building especially adapted for the needs of the Courts and the Assembly, with an "ordinary" or tavern attached, and all the necessary appurtenances. Apparently Smith was not equal to the task, or else he encountered insuperable obstacles, since, at his urgent request, he was formally released from his contract by the Assembly of 1666.[11] It was not until 1676 that the first State House was actually constructed by Captain John Quigley, according to the Act of the Assembly of 1674. The building first proposed was to be wholly on utilitarian lines, without giving thoughts to beauty

or dignity in design; but the later specifications show special regard for good taste as well as for strength and durability.

While no special facilities appear to have been provided for the transmission of private or personal correspondence the Assembly of 1661 passed "an Acte for Conveyance of all Letters Concerning the State and Publike Affairs." These letters were to be sent from house to house, "the direct way" until they should reach their destination. Each householder, upon the receipt of such a letter, was required to see that it was on its way to the next house within half an hour of its receipt, except at nightfall or in extremely bad weather where water courses were to be crossed.[12]

In the General Assembly held during the following year the preamble of an "Act for the Encouragement of Ordinary Keepers" throws light upon the conditions of the preceding years in the Province. When the settlers were compelled to meet at this or that place for any public purposes whatever they were forced either to incur the obligations of private hospitality or to find food and shelter as best they could.

> Whereas [reads the quaintly worded preamble], in all countries it is found that there is a necessity of allowing and keeping victualling houses for the entertainment of all persons, as well strangers as others; and for want of such victualling houses, divers persons are either exposed to great hazards of their healths or [be] much burdensome to particular adjacent neighbors,

etc., provision was therefore made whereby "well-minded people" would be encouraged to maintain taverns. This encouragement was not given in the form of a paternalistic subsidy from the government, but aimed to provided better facilities to the keepers of the ordinaries in the matter of securing payment of the bills due them.*

In the Seventeenth Century matters pertaining to religion were inextricably confused with political acts, and *vice versa*. Therefore it is necessary to consider either subject from the standpoint of the other. Like almost everything else, the matter

*Cf. *Archives*, Vol. I, p. 447. It seems that by 1666 the innkeepers had turned extortioners, particularly in charging exorbitant prices for all kinds of "Spirritts," such as "Canary, Madera, Malligoe, and Clarrett" wines, ale, foreign or domestic, rum, etc., so that the charges on each kind were fixed by special Act of the Assembly in 1666.—*Archives*, Vol. II, p. 149.

of immigration was concerned with faith or creed, as well as with trade, domestic politics, nationality, and the character of the immigrants. Despite the determination of the Proprietary to separate Church and State, Lord Baltimore was confronted by a contrary tendency which was always in evidence, if not in one form, then in another. The advent of the pioneer priests or ministers of almost every political creed, including the Jesuits (*supra*), appears to have precipitated controversy in the Province. It was at this period that the followers of John Calvin appeared in Maryland. Probably the first Presbyterian pastor was Francis Doughty. Of him, J. W. McIlwaine writes:

> It is a pleasure to note that the liberty of conscience which he had so long sought, but sought in vain, Doughty at last found in the liberal religious policy which made Maryland a place of refuge for all victims of ecclesiastical tyranny.[13]

Doughty was followed by the Reverend Charles Nicholet, who appears to have had a stormy career. Accustomed to the old order, he had not grasped the Maryland idea. He attracted attention to the matter of religion in politics generally and himself in particular when, in 1669, he preached a politically minded sermon before the House of Burgesses. Thereupon, William Calvert and Thomas Truman reported to the Governor and the Upper House of the Assembly:

> Charles Nicholett, in his sermon on Wednesday last to the lower house, did say that they should beware of that sin of permission, and that they were now chosen or elected both by God and man and have a power put into their hands. . . . He could have wished that they had read the proceedings of the Commons of England to see what brave things they had done. And now, let me beg of you to consider the poor people, for the Lord will hear their cause. You are not insensible how heavy the tax was upon them the last year; therefore let me desire of you to beware of that sin of permission, for it is an old saying, "Set a beggar a horse back and he will ride"; so "set a child a horse back and he will be afraid to guide the horse."[14]

Nicholet was sent for by the Governor and the Council; and, after he had been given a hearing, it was

> Ordered that the said Nicholett go to the Lower House and there acknowledge his error in his late sermon preached to the Lower House, in that he meddled with businesses relating merely [exclusively] to the Government; and there to crave the pardon of the Lord Proprietor, the Lieutenant General, and the Assembly, and that he bring certificate under the hand of the Clerk that he has done it in the face of the whole House.

Thereafter, it was

Ordered that Charles Nicholett pay unto John Gittings, Clerk of the Assembly, forty shillings or the value thereof in tobacco for fees.[15]

It was during this decade that "letters of denization" (September 10, 1663) were given to the Jew, Jacob Lumbrozo (*supra*). His naturalization in the Province was rapidly followed by a license to trade; and, in 1664, Lumbrozo was sitting on the jury impaneled to try so prominent a citizen as Dr. Luke Barber for his alleged defamation of the character of one Elinor Spinke.[16]

A proper appreciation of the extent and significance of the religious freedom restored to the Province under Cecil Calvert may be had only by comparing the privileges granted Lumbrozo with the restrictions laid down in the colony which first came nearest to Maryland in the practice of religious liberty. The religious liberty allowed in Rhode Island was in theory very broad, and in advance of all the earlier colonies save Maryland; but it was in these instances limited by the fact that, in the words of Roger Williams, citizenship was granted from the first *"to such as the major part of us should admit into fellowship with us."* By the "major part" Jews and Catholics were consequently denied this fellowship, so that Rhode Island offered religious freedom in theory, coupled, however, with restrictions in its political applications.[17] In Maryland, by order of the Proprietary, political privileges were in no wise restricted by religious predilections in actual practice.*

In the General Assembly of 1666 it is evident that Governor Charles Calvert's sympathies had been with the Upper House in the tobacco discussion, in opposition to those of his father, who gave unqualified support to the position of the Burgesses. Again, in 1669, Charles Calvert acted on his own initiative rather than on that of the Proprietary, in determining to limit the suffrage to such freemen as owned at least fifty acres of land, or personal property to the value of about three hundred dollars in modern currency. Simultaneously another provision of

*Subsequently, however, Maryland, under an established church, practised a measure of toleration inferior to that exercised by Rhode Island, and Pennsylvania's acquired preëminence in this field.

the charter was invoked under which only a proportion of the delegates elected were summoned to the Assembly. In this way those appointed to office sought more or less successfully to curb the elective power of the people.[18] These steps marked important departures from the earlier practice in the colony, and they offer a specific example of the phenomenon that all forms of popular government are subject to fluctuation. In this process the Province of Maryland simply illustrated the age-old shiftings of prerogative.

Cecil Calvert died on the 30th of November, 1675, one hundred years before the opening of the American Revolution and just eight days after the forty-second anniversary of the sailing from Cowes of the *Ark* and the *Dove*. We should like to know more than we do of his last days. His thoughts then, as during his lifetime, must have gone out to his distant Province; and it must have been his fondest regret that he had not lived to see in person the land he loved and to which he gave without stint of his life and labor. No one can read the simple record of his life and not feel that in him we honor not only the Founder of the third of the English-speaking colonies, but also a man who was great among the great men of the greatest epoch in English history. In a sense, his was a soul that dwelt apart, but not in selfish seclusion or in any pretense to aloofness. Again, while his name should for all time be chiefly associated with the establishment of a government on hitherto untried principles, he was not merely a dreamer of dreams. He was preëminently practical —a man of vision without being a visionary. He did not attempt to set up a utopia, but he took out of Sir Thomas More's dreamland at least one great idea, which was regarded by nearly all the statesmen of his day as an ideal only: and he made that ideal a reality.

Cecil Lord Baltimore was primarily a man of serious purposes—his portrait shows that above all else. He possessed the strongest possible sense of his responsibilities; and if it be said of him that he lacked a lighter side it must be remembered that from his early manhood to the day of his death his great purposes and plans were in constant jeopardy from his enemies, both personal and political; from elements in his own church as well as from other churches; from the King and the govern-

ment; and at times even from those be most befriended. Naturally reserved by temperament he could be aroused on occasion to scorching arraignment of those who had attacked or betrayed his larger aims. He held all to equal accountability in the trust he imposed upon them; and his letter to his brother recounting the latter's failure to stand by his whole duty in the matter of the separation of Church and State is a masterpiece of gentle and affectionate yet none the less positive reproof. His "humanness" was shown in his almost boyish eagerness to learn all he could about his Province. He wanted to know about its soil, its watercourses, its flora and fauna; and he probably suffered genuine disappointment when, between the carelessness of his brother and the abstractions of the studious but loyal Secretary Lewger, the red bird escaped and the captive "lyon" died.

It may be averred that Lord Baltimore, in common with all the Calverts, frequently failed in his choice of human instruments. Perhaps, as a student and thinker, Cecil was not the best judge of men; then, again, under the circumstances, he may have chosen, with but few exceptions, the best at his command. Perhaps, if his choice had always been unhampered, all his lieutenants so chosen would have added luster to his name; but as we review what, despite the shortcomings of others, he actually accomplished, respect for the man and his character is enhanced rather than diminished. If genius be indicated by an "infinite capacity for detail," this quality was amply demonstrated by Cecil Calvert. Perhaps, in time, it will be generally recognized that the pioneer outstanding builders of American institutions were Sir Edwin Sandys and Cecil, Lord Baltimore, the one as the first to provide for local self-government under a representative democracy, and the other as the first to put into active practice the principle of religious freedom.

Charles Calvert, third Lord Baltimore and the first Proprietary to reside in the Province, inherited some of the steadiness that characterized his father. Lacking the latter's ability, he must be given no little credit for carrying on the work under difficult and complicated circumstances. During his father's lifetime Charles had taken sides with the autocratic Berkeley and the Council against the House of Burgesses; and as Governor he had been instrumental in limiting the suffrage. Hence there

was some basis for certain "popular" complaints which found voices in the Province after the passing of its great Founder. Furthermore, it was now recognized that there was no Lord of the Palatinate in close proximity to the Court to plead his cause when menaced by powerful enemies in the mother country.

In a previous chapter, comment has been made upon the fact that, unlike other English colonies, the Province of Maryland engaged in no spectacular or extended campaigns of extermination directed against the Indians. There appears to have been a tradition in Maryland that was opposed to this indiscriminate form of warfare. There was, instead, a disposition not only to trade with the natives, but to put up with their peculiarities or shortcomings, and not to regard them all as bad because some of them committed theft and murder. The Indians were urged to assist in hunting out, in English fashion, the guilty parties so that they might be "surrendered up" for proper punishment. The Virginians, on the contrary (except those of the Eastern Shore), made no great distinctions between tribes. It seemed to them that all Indian tribes were alike, and all were either wholly hostile or else to be awed into a state of peace. In Maryland there was a greater number of separate or semi-independent tribes, some friendly and some hostile. The Marylanders distinguished between the two kinds of Indians and endeavored to follow the principle inculcated by Cecil Calvert, that an Indian was entitled to consideration until proved unworthy of it.

In treaties made between the Indians and the Marylanders there are several references to be found which refer to "a common God," and there is also an interesting clause at the conclusion of an act of the Assembly of 1666 for the "Confirmation of the Articles of Peace made with the Indians," which reads:

> That the aforesaid Articles, dated the twentieth of April, one thousand, six hundred, sixty-six, be inviolably kept and preserved according to the true intent, purport, and meaning of them, and for the preservation of the people of this Province and honor of his Lordship and the English Nation which will undoubtedly suffer by breach of faith even to a heathen.[19]

In the proceedings of the Upper House of the General Assembly of April–May, 1666, we find an interesting expression of native opinion:

> Let all former idle discourse of the young men on both sides be forgotten. . . . Let us have no quarrels for killing hogs, no more than for the cows eating

the Indians' corn. If an Indian kill an English, let him be delivered up; but let it be charactered so that the Indians may know it by a black or red sign.

Mrs. Langsworth's children were killed, and [when] the murtherers were delivered they found a man Indian dead in the path killed by the English, for which they have no satisfaction and desire it may be considered.

Your hogs and cattle injure us; you come too near us to live, and drive us from place to place. We can fly no farther; let us know where to live and how to be secured for the future from the hogs and cattle.

Let all the fellows that carry tales on both sides be bound and delivered on both sides; if they cannot prove their allegation, to be punished. As they treat the English friendly, so let not the Indians be beaten without cause when they come amongst the English and let their priviledge of hunting be preserved, as also fishing and crabbing. . . .

They own the power that Kittamagund gave to the English to choose the Emperour of Piscattaway and submit to it.

To these more general professions, Ispatawn, speaking "for the King of Nangenaick's son" added a specific detail which also elicits sympathy, when he humbly submitted the complaint that

[Thomas] Emmerson hath thrown down the Fence made by the Indians at Nanjemy about their Corn by which Eight men have lost their whole Crop of Corn, for which they Complain & desire[d] to be secured for the future.[20]

Possibly there was no period in early Maryland history in which sporadic Indian outrages did not occur. The records teem with items such as the one concerning the death of Mrs. Robert Gorsuch: "Upon the 11th of April [1661] there came to his howse some Indians, some in blew and some in red Matchcoates, whoe killd his wife and plundered his howse,"—the description of which was immediately followed, in unconscious anti-climax, by the additional information that "aboute 4 or 5 Dayes after [they] came to his howse againe, and killd some five Cowes and a Steere and some hoggs as he supposeth."[21] Nine days later, William Hollingsworth writes from the "Sand Point" in Delaware Bay to Colonel Nathaniel Utie: "These Lines of myne I am afrayd will be the intelligence of sad tydings"; whereupon he reports the murder of "three Englishmen and one Dutchman." Hollingsworth was from New England, and in lieu of the Maryland terms for an Indian chief, such as "werowance" or "tayac," it may be noted that he uses the New England term "sachem." He sought and expected prompt and

vigorous proceedings in punishment of "such barbarous actions." A month later a letter from one Garratt Rutten reports that "Mr. Hollingsworth is very sorry he heares no answer of his letter. I must watch in my howse with seaven or eight Guns Loaden." And although Philip Calvert wrote to Alexander Dhinoijossa, Governor of New Amstel, that "It is not our Custom to putt up [with] the injuries of Indians, nor to bury the blood of Christians in forgetfullnes & oblivion," no concerted action was taken to declare any war of vengeance, as Hollingsworth evidently expected. Justice was left to negotiation, and every now and then we find where an Indian murderer is apprehended and given up by his countrymen. For example, the Indian tayac, Pinna of Pickhattomitta, appeared before Philip Calvert and stated that men had been slain on either side, one of whom was his own brother. Nevertheless, he expressed a desire to bury the hatchet and call accounts square; and the evidence showed that in these intermittent attacks and reprisals, the Indians suffered greater losses than the English. Pinna also declared, in effect, that he had not counseled war any more than the English Governor, and that the deeds of individuals should not be laid against all; a declaration by a child of the American forest that brings to mind the exclamation of Edmund Burke: "I do not know the method of drawing up an indictment of a whole people."

Not infrequently, eloquent appeals for swift and unrelenting vengeance were laid before the sessions of the General Assembly or the Provincial Council. In August, 1665, after the murder of his wife and child, Thomas Alcock appeared before Governor Calvert and the Assembly with an earnest petition in which he declared:

> Since that blood crieth to heaven for vengeance, your petitioner hereby throweth himself, together with the blood of his murdered wife and child at your feet, craving justice, which blood he humbly begs of the just Judge of heaven and earth never to remove from your souls, nor the souls of your children's children till it be satisfied.[22]

It was not in hot haste, however, but by due process of legal procedure—cold and formal as it must have seemed to the bereaved husband and father—that the House answered. Alcock was informed by William Britton, Clerk of the House, that his

petition was referred to the next day's meeting of the two Houses, and it was ordered that

> the Lieutenant General be requested to demand of the Doage Indians (who are esteemed to be murderers of the petitioner's wife and child according to this petition) or other Indians deputed for them to give answer to the contents of this petition.

Alcock was one of many settlers who in a brief absence from home, suffered the loss of wife and children; and the records report the immediately previous "Murther of Mr. Langworth's children" (*supra*).[23]

As before stated, whether rightly or wrongly, tradition and custom were different in Virginia; and a few years later, this difference in procedure involved Maryland in some exceptional consequences. In 1673 the Susquehannock Indians, the terror of the early settlers of Maryland, but for many years professedly friendly and under a kind of treaty protectorate, had been so badly defeated by their enemies the Senecas that the Assembly felt disposed to grant them land abandoned by the decadent Pascataways. Whereupon the Susquehannocks removed their habitations from the head of the Chesapeake to the northern bank of the Potomac near the head of navigation. The Senecas, however, pursued them and raided plantations on both sides of the river. In the summer of 1675, on the south side of the river, an Englishman, covered with wounds, was found at the door of his house. The dying settler, with the dead body of a friendly native at his side, declared he had been attacked by hostile tribesmen. Thereupon the Virginians, under the leadership of Colonel Mason and Captain Brent, lost no time in organizing a force to avenge the murder; nor did they regard boundary lines between the colonies when the trail led them northward across the Potomac. With one party Captain Brent surrounded a wigwam of the Doags, the alleged murderers of Thomas Alcock's wife and child some ten years before. Without waiting upon legal processes Brent and his men shot down the chief and nine warriors, although they spared the life of an Indian boy who was with the party. Colonel Mason's detachment surrounded a second wigwam in similar fashion, and fourteen Indians were shot down before a chief managed to inform Mason that he and his men were Susquehannocks, and "friends." This

chief and his warriors disclaimed all knowledge of the murders committed and put the blame therefor on the Senecas.

The punitive expedition ended at this point, but the outrages continued after the militia was dispersed; and again the Virginians sought swift and summary vengeance. For their part they were not willing to listen to any further protestations of innocence and held that the Susquehannocks were at least a party to the raids, which were contemporary with their appearance and stay on the border.

On this occasion, the Virginians persuaded the Marylanders to make a joint attack upon the Susquehannock fort. Colonel Mason was again in command, with a Major Alderton, while Captain Brent was supplanted by Colonel John Washington. The Marylanders, under Major Truman of the Governor's Council, were accompanied by representatives of no less than five tribes of friendly Indians. They appeared first before the Susquehannocks' fort, September 25, 1675. Upon being spoken to through John Shanks, for many years the leading interpreter of the Province, a number of the Susquehannock chiefs and warriors came forth for a conference. They again asserted their innocence and "showed an old paper and a Meddall with a black [and] Yellow Ribband thereto." This they declared was given to them as a pledge of peace and token of amity and friendship between themselves and the whites "as long as the Sun and Moone should last." They again accused the Senecas of the murders of the settlers and, at Major Truman's suggestion, their runners agreed to accompany the Maryland horsemen in pursuit of the Senecas, who, they said, had several days' start and were probably at the head of the Patapsco. Thereupon Major Truman, according to report, promised that no harm should befall them; and some of the chiefs remained with the Marylanders.[24]

In the meantime, the Virginia forces had arrived upon the scene and acquiesced in this decision; but, unfortunately, Captain John Allen, whose methods of patrolling the Maryland frontier became a matter for debate in the Assembly,[25] returned the following morning bringing in the bodies of some recently slain settlers, whereupon the soldiers broke out in storms of rage; and, it was declared, that Colonel Washington and the other Virginia officers demanded that the Indians be "knocked

on the head." It was further testified that to this decision Major Truman finally gave consent, and five Indians, who had voluntarily stayed with the settlers on the assurance of Major Truman, were accordingly bound and executed. The remainder of the Indians were besieged in their palisaded stronghold, but held out against attack for a period of six weeks, finally escaping by night when their supplies of food gave out.

This whole affair has, no doubt, many elements of interest as to the manner of the siege and the sustained defense of the cornered remnant of a once powerful Indian tribe; but unfortunately, information concerning the affair is confined to the much abbreviated account of the testimony brought out in the records of Assembly and Council, and a partisan anti-Proprietary document entitled "A Hue and Cry out of Virginia and Maryland," which accused the Marylanders and Truman of hindering the siege.[26]

Subsequently, Major Truman, in impeachment proceedings, was brought to trial on three charges; that he had consented to the execution of the Indian chiefs without sufficient evidence of their guilt and after they had given themselves up under assurance of safety; that he was a party to the execution without authority from the Proprietary; and that he had failed to procure an officially signed declaration of the advice and decision of the commanders of the Virginia militia.

When the charges and depositions had been duly presented before the Governor and the Upper House, a court was called, consisting of the Lord Proprietor (in the person of Charles Calvert), Colonel Samuel Chew, chancellor and secretary, and Colonels Wharton and Tailler. Truman was adjudged to be guilty under the first charge, and the Upper House was directed to request the Lower House to draw up a bill of attainder. Thereupon, an interesting difference arose between the Houses, the members of the Upper House declaring for the severest penalty possible in punishment of what they described as a "barbarous and inhuman murder." They even went so far, on one occasion, as to say that before "all the world it does and will certainly appear [the] greatest that ever hath been committed." They further stated that Truman's conduct, if not condemned, would set an example before the Indians of a breach of public faith which would be certain to have disastrous conse-

quences and bring the white man's government into disrepute. The Lower House, however, persisted in a unanimous declaration that Truman, though guilty of reprehensible conduct, was not deserving of death, because of peculiar and extenuating circumstances: that three of the chiefs were identified as the murderers; and that command to execute them was given by unanimous consent of the Virginians and the "general impetuosity of the whole field, as well Marylanders as Virginians, upon sight of the Christians murdered at Mr. Hinson's" [Hanson's?]; and that the said crime was not "maliciously perpetrated" to "prejudice the Province" but "out of ignorance" [of the law?] and "to prevent a mutiny of the whole army, as well Virginians as Marylanders." The Lower House, despite repeated appeals from the Upper, refused to yield, and Truman escaped punishment; although he was dismissed from the Council.*

These Susquehannock-Seneca difficulties led to the first extended rebellion in America against duly constituted royal authority, *viz.*, the ill-starred but romantically interesting uprising led by Nathaniel Bacon against Governor Berkeley. After referring to the alleged common political "platform" of the Berkeley and Baltimore parties, the author of "A Hue and Cry" exclaims:

> "Now mark the late tragedy: old Governor Barkly, altered by marrying a young wife, from his wonted public good, to a covetous fools-age, relished Indians' presents, with some that hath a like feeling, so well that many Christians' blood is pukkuted up, with other mischiefs, insomuch that his lady told that it would be the overthrow of the country; of which dissembling Baltemore is glad because it is his custom to exchange the King's Majesty's subjects for fur."[27]

When the Susquehannocks fled from their stronghold late in the fall of 1675 they turned southward from Maryland into Virginia. Whether guilty of committing the previous outrages or not, they were now openly upon the warpath and neither gave nor sought quarter. Consequently, their course was marked by fire and slaughter, and one of the sixty or more settlers slain

*The Upper House also declared that Major Truman had offended against "the Law of Nations." (*Archives,* Vol. II, p. 485.) Hall quotes the "Hue and Cry" paper to indicate the possibility that Lord Baltimore "used his prerogative to impose a more adequate punishment" upon Major Truman by imposing a fine and imprisonment. Subsequently, it may be noted, Truman became an active figure in the House. *Cf. Archives,* Vol. II, p. 501; also, Clayton C. Hall, *The Lords Baltimore and the Maryland Palatinate,* p. 104.

by them was a servant of Nathaniel Bacon. The events which followed in the older colony, while not strictly within the sphere of this narrative, bear, nevertheless, some relation to subsequent negotiations and should receive, therefore, a cursory review. Bacon organized a force of volunteers and so vigorously prosecuted a campaign against the savages that they were badly beaten; but it was asserted that Berkeley's fur trade profits suffered, so that Bacon was recalled. The victorious Virginian refused to obey and inaugurated a formidable rebellion which was brought to a sudden end when Bacon died from an attack of fever. Thereafter Berkeley was free to deal with the Indians; and Charles Calvert, as Lord Proprietor, invited the Virginia Governor to join with Maryland and New York in making a treaty with the Indian tribes known as the "Five Nations" at a conference to be held at Albany. Colonel Henry Coursey, of the Maryland Council, was appointed commissioner to represent Maryland in making a separate peace with the Susquehannocks and was also appointed commissioner to represent the Province in the proposed treaty with the Five Nations.

Augustine Herman, one of a number of newly naturalized citizens, became the owner of large estates in Maryland and played a considerable part in developing the Province. His first visit to Maryland in 1659 as an envoy from Governor Stuyvesant introduces the complicated story of the disputes begun and continued for many years as to the northern boundary of the Province. Captain Cornelius Mey established himself in Fort Nassau on the east bank of the river nearly opposite the present site of Philadelphia, which was south of the fortieth parallel and therefore within the limits of George Calvert's Palatinate. Fort Nassau was abandoned in 1650 for Fort Casimir in the present State of Delaware, which also was within the bounds of Lord Baltimore's patent.

In the meantime, the Swedes appeared on the Zuydt, or Delaware, near the present site of Wilmington and, in 1654, they captured Fort Casimir from the Dutch; but the latter regained it shortly afterward and renamed it New Amstel. Nevertheless, the Swedes held sway for a time in most of the territory they claimed and their affairs were well managed under the picturesque Governor Johan Printz, who built for himself not only

a mansion, but also a "pleasure house" and a yacht; because of which Sydney George Fisher proclaims him "the first American yachtsman." According to the jolly yachtsman's Dutch contemporary, De Vries, who surrended to Governor Printz, the later loomed up large even in the great open spaces of America. De Vries described him as one who "weighed upward of four hundred pounds and drank three drinks at every meal."

In 1658 the Swedes were finally subdued by the Dutch, who, in turn, were overthrown by the English under the orders of James, then Duke of York, subsequently to which proceeding the Duke laid claim to territory that included, besides New York and New Jersey a part of New England and much of what is now included in the states of Delaware and Pennsylvania. It is this last part of his claim, as involved in the grant to William Penn, that particularly concerns the history of Maryland in that it ran counter to the terms of the Maryland Charter, which granted the first Lord Baltimore and his heirs all land north of the Potomac to its first fountain and up to the fortieth degree of latitude.

With few exceptions the historical essayists of Pennsylvania leave the impression that William Penn was the very personification of conciliation, in sharp contrast to the contentious and unreasonable proprietaries of Maryland; and that the descendants of Penn were imposed upon by the faithless heirs and successors of Cecil and Charles Calvert. On the other hand quite a different picture is presented by Maryland annalists. From them we gather that William Penn was not so patient as unctuous, and that he was guilty of no little dissimulation and deceit in his dealings with Charles Calvert, who was merely attempting to uphold his undoubted rights in the matter. In the archives of Maryland and Pennsylvania the story of the long-drawn-out controversy covers more than a thousand pages of closely packed testimony and argument; and the history of the Baltimore-Penn controversy goes back to the claims of the Swedes and the Dutch.

The Dutch had become so well established in New Amsterdam with their extended communities and trading posts to the south that by 1658 they felt sufficiently confident, despite the claims of the English to the whole of the North American coast, to send to Maryland to recover some soldier deserters who had

fled to that Province. The message from the Dutch government and Council at New Amstel was sent to Colonel Nathaniel Utie, who dwelt at the mouth of the Susquehanna. Utie promptly replied that he would forward the message to the Governor of Maryland, but that he already had received a commission from Lord Baltimore to go to New Amstel, and that Lord Baltimore "had commanded that the lands between the degrees of his grant should be reviewed and surveyed, and when ascertained, be reduced under his jurisdiction, without the intention of abandoning any part of it."*

A meeting of the Maryland Council was held in Anne Arundel County, August 3, 1659, where it was ordered:

> That Colonel Nathaniel Utie do make his repair to the pretended Governor of a people seated in Delaware Bay within his Lordship's Province, and that he do give them to understand that they are seated within this, his Lordship's Province, without notice given to his Lordship's Lieutenant here, and to require him to depart the Province.[28]

Colonel Utie reached New Amstel early in September and made known his mission to Governor Alricks of New Amstel and Governor Beekman of the other Dutch colony or province of Altona. The discussion, as described by Beekman in his letter to Stuyvesant of September 12, is interesting but lengthy. The Dutch expressed astonishment, in view of the fact that they had been in possession so many years by action or grant of the States General and the Dutch West India Company. To this Utie replied that if the Dutch did not yield or retire at once, he would not be held responsible for the shedding of innocent blood; and that a military campaign just after the tobacco harvest could be undertaken at best advantage. He, therefore, wanted an immediate answer. Upon the declaration of the Dutch commanders that they could give no orders to vacate the

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**Records,* Albany, Vol. XII, p. 503. "The Dutch," says Sydney George Fisher in *The Making of Pennsylvania,* "had no more right to the country than the Swedes. The English claimed it by right of the discoveries of John and Sebastian Cabot, who had visited several points on the North American Continent before Hudson reached the Delaware. In 1889, the question came before the Superior Court of the city of New York in a case involving the rights of certain owners of land on the Bowery, and was decided in favor of the English title, in a very learned opinion by Judge Truax. *Mortimer* vs. *N. Y. Elevated R. R.,* 6 *N. Y. Supplement, 898.*"

Nevertheless, the principal argument brought forward to invalidate Lord Baltimore's title to the upper part of the Province was that it was *cultivated or occupied by the Swedes previously to the issuing of the Calvert patent.*

premises of themselves but must consult the Director General at New Amsterdam, Colonel Utie granted Alricks and Beekman a respite of three weeks for a reply. Utie saw the messengers sent off to New Amsterdam but did not wait for the return of an answer—a wise move, as Stuyvesant sent back an armed force with orders to arrest Utie as a spy.

In the meantime the Dutch determined to send an "embassy" into Maryland to discuss all matters of difference. The leaders of this embassy were Augustine Herman and Resolved Waldron, who were directed to make complaint before Governor Fendall that Utie's conduct was a breach of the Treaty of 1654 between England and Holland; that Utie had issued an ultimatum threatening the representatives of a friendly government with force and bloodshed if they did not immediately signify their intention of obeying, which ultimatum he had modified when he agreed to give the Dutch subordinates the precise time necessary for them to proceed to headquarters and return an answer; that in addition, he took advantage of his office as envoy to persuade the people of the weakness of the Dutch cause and incite them to abandon their holdings and make terms with the Maryland Proprietary; or, as expressed by Augustine Herman, he excited them "to revolt and rebellion against their magistrates" and threatened them "with being plundered and driven off" in case they would not surrender.*

The Dutch ambassadors made careful inquires of all whom they met on entering the Maryland Province, and they were doubtless much relieved to find that Colonel Utie's threats of immediate attack were not sustained by any appearance of action by either the government or the people. As was to be expected, the conference brought no further fruit than the comparing of the rival claims, which neither side was disposed to yield. Waldron returned to New Amsterdam to make a report on the proceedings, while Herman visited Virginia with a view, as significantly stated in his journal,

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*Ambassador Herman kept a journal of his trip, which affords most interesting reading as an accurate description of provincial travel and conditions. Herman left New Amstel in October and yet arrived in Maryland in September; for, in traveling from one province to the other he "lost" ten days, the Dutch reckoning time by the new or Gregorian calendar, the English reckoning by the Julian. When he had progressed into what was admittedly Maryland territory he gave both dates in his journal: *i. e.*, "October 6 (September 26)."

to ascertain the opinion of the Governor and others there concerning this matter, and thus to create some division between them; also to clear ourselves, at the same time, of the slander which some people seek to attach to us, that we had excited the Indians to massacre the English at Accomac.

The dispute with the Dutch never came to a head in the sense that Lord Baltimore forced the issue. The King commissioned his brother James to proceed to the seizure of New Netherland; and James appointed Richard Nicolls Lieutenant Governor to win the provinces for him. With four warships, the expeditionary force appeared before New Amsterdam in August, 1664, and demanded the surrender of the city. Old Peter Stuyvesant raged and fumed, but to no purpose; his council declared for surrender on the terms offered. New Amsterdam became New York, New Amstel became New Castle, and Altona became again Christiana. No doubt Lord Baltimore was pleased to hear of the subjugation of the Dutch, but he probably did not realize that the consequence of the achievement would furnish an encroachment upon his domain from a new and more powerful source. It remained for his son and successor to combat the former Dutch and Swedish claims in the hands of his own countrymen: *viz.*, those of the Duke of York, subsequently James II; and William Penn, a royal patentee under the Crown. Claims of "previously cultivated" territory, regarded as negligible when the land was tilled and held by the Dutch, were now held as valid in order to make room for Penn. Hence, it happened that land once liberally given to a Roman Catholic proprietary by an Anglican king was withdrawn from the Catholic heir and Proprietary under the second son of the Anglican monarch, who himself had become a Roman Catholic.

Events destined to involve Maryland began rapidly to unfold. Penn forthwith conceived the idea of creating and developing a semiautonomous state of his own that would provide a refuge for Quakers. At that time the Crown owed Penn's father the equivalent of about one hundred thousand dollars in money of the present; so, in 1680, Penn proposed by way of settlement a royal patent of lands west of the Delaware in addition to the part claims he held to New Jersey. His petition was presented to the Privy Council, and copies were sent to the respective representatives of the Duke of York and to Charles, Lord Baltimore. The wisdom of Cecil Calvert in remaining in

England appears to be vindicated by the outcome after his death; for it will be questioned whether Penn would have received the grant in the form he did receive it had Cecil Calvert been living and present in England to look after his interests, or even if his son and successor had been then a resident in the mother country.

The detailed story of the Maryland-Pennsylvania boundary dispute cannot be attempted here.[29] Suffice it to say that, in its earlier stages, both sides appear to have been deceived by inaccurate maps. Certainly the third Lord Baltimore was not well informed as to locations on his northern boundary, which, in accordance with the fortieth parallel and the terms of the Baltimore Charter, ran several miles north of the site of Philadelphia. On the other hand, William Penn had the favor of James II, whilst the influence at Court of the Maryland Proprietary had waned. As to reaching an agreement, interviews between Charles Calvert and William Penn came to naught. If Lord Baltimore's charter claim had been admitted Penn would have had no water outlet or convenient harbor and shipping point. He felt he could not yield and maintain the integrity of his Province. In addition, the indiscreet actions of Lord Baltimore's frontier lieutenant, Colonel George Talbot, gave Penn basis for complaints at Court. Besides his aggressive stand upon the border, the hot-tempered Talbot engaged in combat with Christopher Rousby, a royal revenue officer, in which Rousby was killed. The immediate personal dispute with William Penn concerning the boundary ended, for the time being, when the decision of the Privy Council was announced; but, as previously stated, the border settlers kept up the dispute, some in defiance of both governments, for some seventy or eighty years. When the decision of the Privy Council was made known Charles Calvert showed the determination characteristic of his predecessors. From London, December 1, 1685, with no little daring and independence of spirit, he wrote to his council in Maryland:

> But I hope that ere it be long, I shall be able to obtain of his Majesty that at least no more land may be taken from my Charter, than what is actually cultivated on Delaware; for it was once the opinion and (as I was very well assured) the resolution also of several of the Lords of the Committee that what of those lands were uninhabited should still remain within and belong to my grant; but it was afterward carried by some few against the rest of the board, so that I must have patience for a little time, no wise doubting but to

find some way to inform his Majesty of the prejudice done me by this order. In the meantime, I desire and hereby order you to take care to prevent Penn's people from making any settlements near heads and branches of any of the rivers that fall into Chesapeake Bay, and to encourage the inhabitants of my Province that have already surveyed lands in those parts to seat them in my right as soon as they can, and particularly to take care the Penn-Sylvanians make no further encroachment on the lands where Colonel George Talbot was seated, and to secure the fort near Christiana Bridge until you hear further from me, being resolved notwithstanding this order to keep possession of what is surveyed, and to be on the defensive part, rather than be forced to complain. Let me therefore desire you to be careful that our neighbors break not in upon the heads and branches of my rivers on the Eastern side, and then I shall in a little time contrive it so that the Division which is ordered to be made shall be no great prejudice to me nor my Country.

C. BALTIMORE.[30]

The change from an established régime to one hostile to it has usually been beneficial to those who had suffered under the one overthrown. This, however, did not prove so in the case of Lord Baltimore's relations with William III. The new sovereign, with the advice of his council, proceeded on the basis that semi-independent proprietary provinces were a menace to the government. Furthermore, he was no better disposed toward Lord Baltimore than his predecessor had been; but what happened to stay proceedings in the case of Pennsylvania is not the immediate concern of this narrative; and the overthrow of proprietary government in Maryland, with the causes that led up to it, is more properly the theme of another chapter.

CHAPTER V

Royal Interference

History, by apprising the people of the past, will . . . qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume.—Jefferson.

The overthrow of proprietary government in Maryland did not come suddenly. That event may be regarded as the result of sundry causes which run through the latter part of the reign of Charles II, the whole of that of James II, and the beginning of the rule of William and Mary; whilst at least one of the difficulties—that pertaining to colonial trade—began under the rule of Parliament and the Protectorate. The proper presentation of this subject necessitates, therefore, a rapid review of affairs during the fifteen years preceding the change of government.

Throughout this later period political problems were inextricably enmeshed with religious questions. In 1676 an Anglican clergyman, the Reverend John Yeo, wrote a letter from Maryland to the Archbishop of Canterbury in which, with the customary hyperbole of partisans of that age, he represented the Province as being in a deplorable condition, a veritable "Sodom of uncleanness, and a pest house of iniquity." In any event Yeo drew the attention of the English ecclesiastical authorities to the limited number of ministers of the Church of England then in the Province. He complained of a lack of consecrated burial grounds, and urged that formal livings be provided by the government for priests of the Established Church, as in Virginia. In the course of his argument Yeo asserted that there were but three Anglican priests in a colony of ten or twelve counties and more than twenty thousand souls. On the other hand, Charles Calvert declared he knew of at least four Anglican clergymen with "settled" plantations, and he intimated that there were others who were "maintained by a voluntary contribution of

those of their own persuasion, as others of the Presbiterians, Independents, Anabaptists, Quakers, and Romish Church are."[1]

Yeo's letter, forwarded by the Archbishop to the authorities of Church and State at London, was followed by the public discussion over the "Hue and Cry" pamphlet, or a "Complaint from Heaven," as its authors modestly expressed it.[2] Previously the Council Chamber at Whitehall had drawn up a formal inquiry as to the condition of affairs in Maryland. To this Charles Baltimore, just arrived in England as the heir to his father's estate, made a temperate reply in a "Paper setting forth the present state of religion in Maryland." The character of Baltimore's defense has already been set forth; but two passages may be fittingly given in full. To these inquiries and charges, he answered:

> That in every County in the Province of Maryland there are a sufficient number of Churches and Houses called Meeting Houses for the people there; and these have been built and are still kept in good repair by a free and voluntary contribution of all such as frequent the said Churches and Meeting Houses.
>
> That the Laws of that Province have been ever made by the advice and consent of the Freemen by their Delegates assembled as well as by the Proprietor and his Council, and without the consent of all these, no Law there has been made. The greatest part of the Inhabitants of that Province (three of four at least) do consist of Presbiterians, Independents, Anabaptists, and Quakers, those of the Church of England as well as those of the Romish being the fewest, so that it will be a most difficult task to draw such persons to consent unto a Law, which shall compel them to maintain Ministers of a contrary persuasion to themselves, they having already an assurance by that Act for Religion that they have all freedom in point of Religion and Divine Worship and no penalties or payments imposed upon them in that particular.[3]

These statements of Lord Baltimore were substantiated and confirmed by a "declaration" prepared by many of the leading Protestants of the Province in May, 1682, who repudiated the "ill reports and foul aspersions . . . of inveterate, malignant, and turbulent spirits." Upon the standpoint of religious freedom the signers declared emphatically that they had no complaint. They further declared that they freely enjoyed all the "grand privileges" conferred by English law and custom "under Magna Charta," and that his lordship's favors were impartially distributed, and

> places of honor, trust, and profit conferred on the most qualified for that purpose and service, without any respect or regard had to the religion of the

participants, of which generally and for the most part it hath so happened that the Protestants have been the greatest number.[4]

Having given some account of the religious agitation, it is necessary to return to disturbances that were more closely allied to political considerations. It has been seen that Charles Calvert answered Yeo's complaint while he was in England in 1676–1677. Shortly after his return to the Province in 1678 the Proprietary was called upon to face what seems to have been an incipient rebellion, instigated chiefly by former Governor Fendall and John Coode. As in a previous time, Fendall's attempt at rebellion was ill planned and of little consequence; but his indictment and conviction of conspiracy in 1681 is unique in that it offers us the first court trial in Maryland of which a stenographic report was made. It was prepared by John Llewellyn, whose appointment to take the notes is described by Lord Baltimore as follows:

This is the trial of Josias Fendall, a person that in the year 1659 was my father's Lieutenant General and Chief Governor of Maryland; but, having most perfidiously broke his Commission and taking another from the Country, was fined and rendered forever incapable of bearing any office in this Province, which, in those times, was the utmost punishment my Father's Justices would inflict on him, since that, he hath (when fit occasions presented) endeavoured a mutiny, and truly this last July had almost brought matters ripe for it. In regard he was always esteemed a subtle, cunning person, and by most believed that, at his trial, he would make a great defence, I commanded the Clerk of the Council, John Llywellin, (who writes shorthand), to sit with the Clerk at the Provincial Court to take his trial for the satisfaction of persons here.[5]

Fendall was banished from the Province; Coode escaped punishment and caused trouble a few years later. It is interesting to note that in Charles Calvert's description of the affair, he calls Fendall and Coode "two rank Baconists"; for, from the Proprietary's point of view, Nathaniel Bacon and his ideas represented rank rebellion against constituted authority.[6] On the other hand, it would seem that, at this time, Virginia stood in need of another Bacon, or at least of a governor who would take decisive action to protect the colony against the Indians; for Lord Baltimore wrote:

In Virginia, these savages kill and destroy hogs and cattle afore the faces of the owners of them; and if the English make any opposition, they're immediately fired at by these villains.

Thereupon the Proprietary leaves the impression that conditions were not so bad in Maryland, although he specially mentions one instance where five men and a woman were killed in the Province "upon a like occasion." It is evident that the son and successor of the Founder of Maryland was fast losing patience with the natives. As a resident Proprietary he was absorbing the point of view of the average English settler from Massachusetts to the Carolinas. Unlike his father, he was given to wholesale indictments of people and conditions, and to displaying his feelings in unguarded terms. Hence to Charles Calvert the savages seemed but "heathen rogues"; although there were still existent the tribes near the lower reaches of the Chesapeake, with whom Cecil Calvert's first lieutenants had made treaties of perpetual friendship. The friendship of these Indians with the English aroused the more active enmity of their foes to the north and west. Of these Northern Indians Lord Baltimore wrote:

> They pretend no design of mischief towards the English, but tell us they're resolved to destroy all our neighboring Indians; whom, when they've subdued, conquered, and destroyed, I believe their next design will be against the inhabitants of both these colonies, whose stocks of cattle and hogs they already make bold with.[7]

Charles Calvert's political and personal enemies and sundry restless spirits in the Province were soon to be placed in a position where they could take advantage of a change of government in England as did the foes of his father in the days of the ascendancy of Parliament. Religion was made to appear as a principal reason for their action, despite the fact that James II, a Catholic, had begun the proceedings of dispossession against the Proprietary which, by a different method, William III was to conclude.

At this time Lord Baltimore was again unfortunate in the choice of his lieutenants, or in the matter of those who spoke for him. George Talbot, his appointee as president of the Commission of Deputy Governors, had killed Christopher Rousby, appointee of James II; but William Joseph, who was sent over from England to succeed Talbot was, perhaps, the most unfortunate selection of all. By way of extenuation it should, however, be borne in mind that the Lord Proprietor was in the posi-

tion of endeavoring to serve two masters: an autocratic Roman Catholic king and an increasingly suspicious Protestant people in the Province, some of whom were "turbulently" democratic. It would have been far better for the Proprietary had he kept the Jacobite Joseph in England as an emissary at Court. Certainly, Lord Baltimore could not have selected a more tactless individual as his public representative in Maryland. Much of Joseph's first address to the General Assembly was, in effect, an argument for the divine right of kings, which he illustrated in the following provocative challenge to the colonists:

> There is no power but of God; and the power by which we are assembled here is undoubtedly derived from God to the King, and from the King to His Excellency the Lord Proprietary, and from his said Lordship to us. . . . Kings, Gentlemen, are the Lord's Anointed and are by God appointed over us to rule.

He then gave out the royal order prohibiting the export of bulk tobacco out of the colonies—an order that the Virginia Assembly had refused to approve. Joseph, having referred to this procedure on the part of the Virginians as "ill-advised," anticipated similar objections in Maryland by declaring:

> Some, perhaps, will presume to question the advantage or disadvantage that may arise by passing of such an Act, which is indeed unbecoming subjects, to call in question the proceedings of the King.[8]

Nothing like this address had ever before been heard in Maryland. On the one hand, Joseph proclaimed blind obedience to the King; on the other, his address abounded in the homilies of the Puritanical preacher, exhorting the delegates against swearing, "Sabbath-breaking," and drunkenness, the last being described as "a sin of all sins the most dangerous." He also demanded the enactment of laws designed to make men virtuous by legislation, taking occasion to say that the laws of England were good, but that "they have failed of their end . . . because the penalties inflicted by these laws were not laid severe enough." Deputy Governor Joseph wished to put drunkenness and similar derelictions on a par with stealing a loaf of bread and the murder of the baker, for both of which, in England, the extreme penalty was the same: *viz.*, death. In short, the opening address of the new Deputy Governor was, in effect, a politico-religious sermon which sharply conflicted with the ideals of re-

ligious liberty established by Cecil Calvert and with the ideas of political freedom and self-government originally established by the settlers with the Proprietary's sanction. It would seem that, in one way or another, the blundering Joseph offended all whom he addressed. Those who might have approved of his Puritan homilies were certain to be offended by his proclamation of the infallibility of princes, particularly of the Roman Catholic James; on the other hand, those who believed in greater liberality were equally offended by his proposed interference with individual liberty and freedom of conscience. All alike were probably offended by his intimations of treason in case they objected to the alleged right of the King to interfere with colonial trading privileges or customs.*

Trouble arose immediately in the Lower House, which refused a second time to take the oath of fidelity to the Lord Proprietor. For this refusal the members were called into the Upper House and censured by the Deputy Governor, who told them that their action not only involved an implication of treason, but rendered them liable to banishment, fine, or imprisonment. Joseph soon discovered, however, that he was dealing with a more refractory and independent parliament than the King had in the mother country. The Lower House, after first declaring their readiness to take the oath, not from fear of penalty, but according to the law, passed a resolution to the effect that they had already complied with all necessary requirements in the matter. This was all that Joseph could get out of the Burgesses, although he prorogued the Assembly for two days in order that the members might take the oath as private citizens. By way of further invitation Governor Joseph made it known that King James' Privy Council had ordered the Lord Proprietor not only to proclaim throughout the Province the birth

*It would appear that the new Deputy Governor had been reading the allegations of immortality in the Province, which were so luridly set forth in the "Complaint from Heaven with a Hue and Cry." These wholesale accusations of evil practices in the Province may be compared with the statements of George Alsop a few years before, when the Province was extolled as a land almost wholly free from the immorality that characterized conditions in the Old World. Both were probably exaggerations. There were instances of immoral conduct in the Province. Possibly there were glaring examples in conspicuous places; but it must be remembered that even the severely ascetic Pilgrims and Puritans had to contend with the "Merry Mount" and a "Maypole," to say nothing of Governor Bradford's surprising exposure of the scandalous reaction against the earlier strictness, which he sets forth in the latter part of his *History of Plimmouth Plantation.*

of an heir to their Majesties, but also to set apart annual thanksgivings for this "infinite blessing." The Lower House, obdurate in matters of prerogative or of political principles, was persuaded to pass an act for the commemoration of June 10th, the birthday of the Prince; but there can be little doubt that any public acclaim decreed by the Delegates was observed with as much private reservation by the settlers of the Province as by the majority of the people in England.

Only a few months after this celebration of the birth of the Prince, destined to be known as the Pretender, James was forced to flee the kingdom, and William and Mary were proclaimed the rightful successors to the throne of England (1688–1689). Immediately Lord Baltimore—still in England, where he continued to live during the remainder of his life—dispatched a messenger with an order to the Provincial Council to proclaim the new sovereigns. Fate, however, seemed to be working against the Proprietary; for the messenger died on the way. Consequently, while the other colonies were proclaiming the accession of William and Mary, Maryland remained silent. Although a second messenger was sent out from England the mischief had been done. In the Province, the dissatisfied elements, which included those who sought profit for themselves and those who were sincerely suspicious of evil and who had viewed with distrust the restriction of suffrage and the rise of special privilege, saw their opportunity and seized it.

In the first place no little excitement had been aroused by the wildest kind of reports, linking the fact that Maryland had not acknowledged the new Protestant sovereigns with the rumor that the Roman Catholics and the Indians had entered into a conspiracy to reënact in the Province a general "massacre" like that of St. Bartholomew's Eve. It was alleged that Colonel Darnall, of Lord Baltimore's Council, was a leader in this plot; but Darnall himself promptly "ranged" from place to place to convince the people by appearing in person that the rumor was false. To illustrate the absurdity of some of these charges, the following excerpt is taken from an official letter to the Deputy Governor:

> Your Honor will find the deposition of one John Atkey, who swears that he did hear Fyffe say that he did hear Sharpe say that he did hear the Eastern Shore Indians, when they were drunk, say that they were hired by Col. Dar-

nall to fight against the English, but being asked, when they were sober, they would not say any such thing.[9]

After the matter of the reported conspiracy had been investigated and declared without foundation in fact, a number of the more prominent Protestants, some of whom had signed the preceding declaration of confidence in Baltimore, put out another declaration to the effect that all this alarm was "but a sleeveless fear and imagination, fomented by the artifice of some ill-minded persons who are studious and ready to take all occasions of raising disturbances for their own private and malicious interest." John Coode was the principal leader of these "ill-minded people"; and of him it has been said that he "had been a Roman Catholic and then a Protestant; once a clergyman, and now a blatant and blasphemous atheist."[10] The Indian rumors had been started and laid at rest in March, 1689; but suddenly, in July, Coode and Baltimore's long-time foe, Nehemiah Blackiston, appeared before St. Mary's City with armed and organized support; and the provincial records were seized in the name of a body of "Associators," who prepared at once to administer the government as the representatives of William and Mary.

The members of the Proprietary Council took refuge at Mattapany, where, unable to offer any effective resistance, they surrendered. All appointive offices were forthwith filled with Protestants, and a declaration of the motives of the Associators was issued. This was a lengthy document issued from the press of William Nuthead, the first printer of the Province. In this declaration there were many statements that were certainly false, others doubtful, while some charges were based upon an element of truth in the abuses of representative government which had taken place under Charles Calvert's rule. The Associators then proceeded to threaten, plunder, and imprison sundry citizens, Protestants and Catholics alike, of which proceedings Charles Carroll, Nicholas Taney, and others complained in their correspondence with Lord Baltimore or with personal friends in England.[11] Realizing that if they should not be sustained by the King, it would go hard with them, the revolutionists induced all the older counties—except, strange to say, Anne Arundel, which had largely promoted the rebellion under Cecil Calvert—to send addresses to the King urging him to take the

government of the Province into his own hands. Counter petitions, however, were prepared by the Proprietary's supporters, and the latter had a surprising number of names thereon, considering the risk they ran in thus objecting whilst in the power of their political opponents in America.*[12]

In addition to the various addresses of the Associators from their respective counties there was a general address directed to the King, which was drawn up by a committee appointed by the new Assembly in order to set forth more specifically and fully the real and alleged grievances of the people. These petitions or addresses were seriously considered by William of Orange, who proceeded to act upon the complaints. In the first place, he did not hold himself particularly bound by the promises of the Stuart Kings; and, in any event, James II had begun proceedings to annul or do away with Baltimore's patent. Therefore, he, a Protestant, could not be accused of being unduly prejudiced if he carried out against a Catholic Proprietary a general policy which his Catholic predecessor had inaugurated. At an early meeting of the Privy Council William III requested the Lords of Trade and Plantations to recommend the best course to pursue with the proprietary provinces of Maryland, Pennsylvania, and Carolina in order to provide for the better defense of the colonial possessions against the menace of the French, who had at this time succeeded the Spanish in the effort to dominate Europe and a great part of the New World. A month later a special decision was asked for in the case of Maryland, and action thereon was hastened by the appearance of the address of the Protestant Associators of the Province, which gave King and Council the pretext they were apparently seeking for the annulment of at least one of the proprietary patents. Also word came from Coode, self-styled

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*For an authoritative account of the Nuthead press, see Wroth's *History of Printing in Colonial Maryland.* Although as early as 1686 there is notice of Nuthead's work in the Province, Mr. Wroth, in the absence of actual evidence of printing previous to 1689, calls the "Declaration" the "first recorded issue of the Maryland Press." He further states: "To make effective their purpose of gaining adherents, it is evident that a wide local distribution of the 'Declaration' would have been regarded as desirable by the Associators, and nothing could have been more natural than that they should have turned to the printer who was established in the village, where they had ensconced themselves, and demanded his services in the interests of their propaganda." It may, therefore, be queried whether this declaration is not the first instance of propaganda issued by a political party that appeared in printed form in the British-American colonies.

"Commander in Chief of His Majesty's forces in Maryland," reporting that some of those interested in the deposed government had murdered John Payne, one of His Majesty's collectors of customs. The report added that Payne was killed in the discharge of the duties of his office, when he appears to have been acting under a warrant from Coode. In addition news came from New York to the effect that the Indians were on the warpath there and had massacred the inhabitants of Schenectady. Under pressure, therefore, Lord Chief Justice Holt, in June, 1690, handed down an opinion that stated, in effect, that though it would be more proper, perhaps, to proclaim the forfeiture of the Charter on some special ground, subsequently to an inquisition or investigation, "yet since there is none, and it being in a case of necessity, I think the King may, by his commission, constitute a governor whose authority will be legal, though he must be responsible to the Lord Baltimore for the profits."[13]

Under the new régime, Lord Baltimore's prerogatives were reduced to those of a landlord, entitled only to the rents of his estates, the quit-rents of the tenants, and impost duties on tobacco. From this time to his death, February 20, 1715, the third Lord Baltimore disappeared from public life.

The foregoing narrative has attempted to present an impartial résumé of what Charles Calvert represented. In short, his course illustrated commendable virtues and unfortunate failings. In one thing, at least, he was consistent: he lived up to the professions of his father in that he perpetuated freedom of conscience or toleration in matters of religion, even though he is accused, with perhaps some shadow of justification, of favoring his coreligionists in appointments to the highest offices in the Province. Yet, if Charles Calvert did so favor his relatives and coreligionists as charged, it would seem that he had no little justification. He had inherited the policy of toleration, and it may be presumed he sincerely believed in it, as did his father and grandfather before him. Had his own church been state established, it would not—if we are to judge of its actions under Mary Tudor and throughout Europe—have tolerated toleration. On the other hand, were the control of the Provincial Council to get out of the hands of his selected intimates and relatives, most of whom were under a political and religious ban, the practice of toleration would be seriously endangered

or lost, together with the equally important principle of the separation of Church and State.

It may be said that each of the denominations that sought sanctuary in Maryland embraced many who fully appreciated the blessings of the principle of religious toleration and who courageously sought to aid the Proprietary Founder and his successor in making George Calvert's ideal a practical reality; and the *Archives of Maryland* show the names of those who were willing to make every sacrifice for a cause to which the *official* Christian Church in its various branches had turned recreant in confounding the things which properly belong unto Cæsar with those that preëminently belong unto God. On the other hand, there were, in Maryland, those in each form of faith who did not realize the blessings of toleration and the subordination of the Church in temporal affairs. The latter fought—some selfishly, some sincerely—to discredit and overthrow these ideals. The Church to which the Calverts swore spiritual allegiance had, because of its extremists, earned an ill reputation for intolerance in Europe; hence, many could not believe, or did not wish to believe, that any members of that church anywhere would willingly confine their activities to spiritual affairs should they obtain political control. In the first half of the Seventeenth Century Protestants were ever pointing to the Roman Catholic menace of Spain; and, in the latter half, to the similar dominance of France. In fact, this later threat was used by Coode to spur on the uprising against the Proprietary; and although it was, on Coode's part, an illustration of unconscionable demagoguery, the fear of France was to William III a very real thing. Coode played on this feeling and falsely linked the English Catholics of the Province with the Catholics of New France and their Indian allies. The latter had committed many massacres in the northern colonies, and William III sought to crush the common enemy by making all the colonies more directly dependent upon the Crown.

By the time of the English Revolution of 1688–1689 and the overthrow of the Proprietary government in Maryland, there were many religious sects represented in Maryland, and possibly more settlers not directly allied to any religious body than in any other colony—a matter which gave scandal to the incoming clergy of the Established Church and which also

helped in giving rise to no little exaggeration as to immoral conditions in the Province. Although, in Maryland, there were not so many sects as those given in the list offered by Sydney George Fisher as being present in Pennsylvania shortly after the founding of that Province, the number of them had greatly increased after the close of the Puritan régime in 1659. Proportionately, it would seem, the Roman Catholics had decreased. In the Council Proceedings of October, 1681 (the year of the Fendall-Coode conspiracy), may be found the statement of "Richard Shepherd, Master of the ship *St. George,* lately come from Maryland," who informed the Committee on Trade and Plantations that

> when he left Maryland, which was in August last, the Country was under an apprehension of the Indians, who had lately murdered some Christians; but that he knows of no quarrel between the Protestants and Papists. . . . That he believes there are thirty Protestants to one Papist in the Country.[14]

This thirty-to-one ratio is an exaggeration; but reference has already been made to the contemporary statement that there were "not five Papists" in Anne Arundel County, while Charles Calvert testified that Roman Catholics and Anglicans together represented less than a fourth of the population of the Province.[15]

The Quakers disturbed the political and religious status less in Maryland than in any of the other colonies; for after the brief period of repressive measures passed under Governor Fendall every possible concession was made to them, including exemption from swearing formal oaths in court, the wearing of their hats, and even the matter of service in defense of the Province against the Indians. In 1672 the celebrated George Fox visited Maryland and recorded in his journal the story of his going from place to place. He held many meetings in the Province and was unmolested by the civil authorities. In fact, he frequently took occasion to rejoice over the presence of "magistrates" and other officials, some of whom became converts.

In this final review of the introduction of various religious sects under the tolerant régime of the Lords Baltimore, some space should be given to the advent of the Labadists. These people, originally followers of Jean de Labadie, found little peace anywhere in Europe, including the Netherlands; and, at the

time they sent out their pioneers, Peter Sluyter and Jasper Dankers, to look for a suitable place for settlement, they probably would not have found such a haven anywhere save in Maryland.[16]

According to their Journal, Sluyter and Dankers landed in New York, where they met Ephraim Herman. The latter became a convert and led them to his father's place in Maryland, Bohemia Manor. Subsequently they received a portion of the Herman estate, where they established a communal colony. This failed, as did so many other such attempts in America and Europe up to and inclusive of the Nineteenth Century. As long as the colony lasted, it was ruled by Sluyter with an iron hand. Although these people held to sundry customs in common with the Quakers, including those of quiet meditation, self-sacrifice, and inspirational prayer, these two sects showed no little antagonism when they met in Maryland, and both have left us very uncomplimentary accounts of the differences which marked the religious observances and social customs of the other.[17] The Journal of the Labadist leaders relates the excesses of one or two Quaker devotees as if such actions were characteristic of the Society generally. They affirmed that "The Indians hate the Quakers very much on account of their deceit and covetousness." On the other hand, Sluyter himself was charged with being covetous and avaricious, for when, in less than twenty years, this ostensibly communistic organization split, Sluyter stayed on with the more well-to-do portion and died a rich man, as wealth was reckoned in those days. As Dr. James has expressed it, he was a man of "almost morbid religious tendencies, yet of strong mercenary instincts."[18]

It has been said that the Labadists were the first society in America to protest against slavery. Sluyter went further: on his arrival in America he had protested against the system of indentured service; but it may be noted that when he looked upon slavery and saw it was profitable, particularly in the raising of tobacco (against the use of which he had also protested), he, too, employed slave labor and used the negroes as harshly as his own coreligionists, who, during the coldest winter weather, were denied the luxury of fire in their utterly plain, cell-like rooms.[19]

Much has been spoken and written by way of extolling the

exceptionally hardy and adventurous "Scotch-Irish" frontiersman, and he deserves a high place among those who made possible the rapid development of the American continent. Despite the name usually given them, however, these settlers were neither Scotch nor Irish, but of Anglo-Celtic stock that had first lived in the Lowlands of Scotland and were then regarded as a buffer people against the Celtic Highlanders. In the reigns of Elizabeth and James I they were sent over as a barrier against the Irish Celts. For the most part they were disciples of John Calvin; and having acted as buffers in Scotland and Ireland they transferred their activities to the American frontier against the French and Indians. After 1700, the laws of England, aimed chiefly at the Irish Celts, also bore hard upon the Presbyterians, and they set out in large numbers for America. They emigrated from the Emerald Isle with a feeling of having suffered injustice at the hands of the mother country; and their descendants made the best of material for the support of the Revolutionary cause in America. But these references are, in part, in advance of the narrative, just as this early Presbyterian immigration into Maryland was in advance of the great wave that swept through the ports of Philadelphia in the North and Charleston in the South. These later immigrants for the most part went West; the preceding advance immigration into Maryland stayed in the older settlements—in fact, became a part of them, and gave to Maryland the distinction of having established the first communities of the followers of John Calvin, and the first Presbyterian Church. They were strongest in the Eastern Shore under the able leadership of the Reverend Francis Makemie, said to be the first regularly ordained Presbyterian minister in America. In fact, the Presbyterians, in loving memory of their first minister, called the part of the Eastern Shore where he held forth "Makemieland."[20] Although these followers of Knox and Calvin were fellow Protestants with the Puritans of New England, they received in Maryland, under the tolerant régime of the Calverts, greater consideration than in Massachusetts.

The first settlement or community of English Presbyterians recorded was that in Somerset County, and the first church was established at Rehoboth (then in Somerset, now Wicomico County). Nevertheless, it may be at least inferred that some of

them were in the Province as early as 1649, because the "Act Concerning Religion" of that year especially mentioned the term Presbyterian, which, like "Papist," "Roundhead," etc., was "not to be used as a term of reproach" in applying it to any of the settlers of the Province. Regardless of the religious repression that immediately followed the overthrow of the Proprietary government and the establishment of Maryland as a royal colony, the Presbyterians prospered and multiplied, and, in 1697, Governor Nicholson reported that Somerset County had no "Papist Priest, lay brothers, or any of their chapels, and no Quakers"; but that the Presbyterians had at least three places of worship.[21]

No account of this period would be complete without citing some example of the heroism of the women settlers, as well as that of the men, together with at least an illustration of litigation concerning the status of guardianship and marriage rights, or wrongs, as the case may have been.

In February, 1688, Colonel George Wells addressed to his lordship's council a letter in which he stated that on the fifteenth of the month two Nanticoke Indians had "assaulted Richard Enoch and Francis Freeman, of Middle River in the County of Baltemore, and much wounded both of them; and the said Enoch's wife coming to assist her said husband, they also much wounded [her] with their tomahawks; and the said Enoch is dead of his wounds and the other two dangerous bad." Thus briefly is told the story of a woman's courageous act. A few days later, Colonel Wells gathered further information and wrote again to the Council as to the origin of the difficulty, and of Mrs. Enoch's previous act of humanity to the wounded savage whom she had knocked on the head while defending her husband. Investigation discloses that the Indian family to which the murderers belonged had complained that Enoch's pigs had eaten their corn. It was alleged that because of this destruction of their crops, the Indians "did do prejudice to the murdered Enoch's stock by cutting his pigs' ears off and tails." When Enoch's wife spoke chidingly of this, the Indians replied that "the Englishmen would not chide nor scold when they killed the Nanticoke Indian last spring." In any event, the Indians brooded over their grievances; and one of them, the night before the murder was committed, "fell upon the said Enoch as

he was beating [corn?] at the mortar," and Enoch's wife, rushing to the defense of her husband, "stroke the said Indian with the pestle and broke his head." "Thereupon," continues the account, "the fray ceased." The Indian had been knocked unconscious; and, despite his murderous attack, Mrs. Enoch subsequently bound up his head and sent him on his way. The unfortunate settler thought "all was over"; *i. e.,* that no further trouble would ensue; but the next morning "the brother of the wounded Indian came with another and fell upon" Enoch and Freeman as they were at work. Seeing her husband and his fellow planter hard set with the Indians, Mrs. Enoch ran to their assistance, "who, at her first coming, was by one of them knocked down with such a stroke that she came not to herself till they had given her husband his mortal wound and left the other for dead."

That which follows affords an excellent illustration of the Maryland method of administering justice by means of legal processes, rather than by visiting upon the Indians a punitive expedition. A few days after the murder was committed, the energetic Colonel Wells had learned the names of the murderers; and a neighbor, Francis Watkins, had gone to the "cabin that the Indians belonged to"; but the Nanticokes, threatening him with their weapons, would not let him enter. He then went home and "raised a file or more of men"; but Annachokill, or "the White Indian"—the one who "did the murder"—with Sonan, also called James, also Pomptacus, his accomplice or companion, fled to the Susquehanna, where it was supposed they would stay "till the bark will peel [so] that they can make canoes to go over to the Northern Indians." The Council then directed Francis Jenkins, Sheriff of Somerset County, and "six of his neighbors attend the Emperor of Nanticoke" and demand that the murderers be delivered. On March 24th, the Emperor expressed his sorrow over the occurrence and promised, subsequently to the holding of a great match-comico or pow-wow, the utmost diligence in securing the culprits. At the match-comico, the Indians expressed doubt that any murder had been committed; consequently, early in April, the request was made, through the sheriff, that the grave "be opened to satisfy the Indians that the said Enoch was really dead and buried." Thereupon, Major Thomas Long, Sheriff of Balti-

more County, was ordered to comply with the request. The Council, however, directed that he was to let the Indians "understand that the request is granted them, as being the first that was required in this nature; but, for the future, they must not expect the like, but give more credit to the sayings and assertions of the English." In May, the Council received a letter from Sheriff Jenkins to the effect that the Emperor had announced the capture of "Annachokill and Pomptacus." "The Emperor," it was stated, had been "loth they should go to prison, offering his life for them that they should be at the Court at any time that the English should appoint"; but this appeal did not prevail; and the Emperor delivered up the prisoners with the simple request that "they might be well used in prison." The wish was also expressed that accommodation be provided at St. Mary's City for himself and "some few of his Indians," who desired to be present at the trial, to which request the Council assented.[22]

The story of eleven-year-old Sarah Vanhart has all the elements of "human interest" that a dramatist would wish. Here were an orphan, an estate to be seized, a conspiracy to marry the child to a designing suitor, and unjust judges. So much on the side of villainy. On the side of virtue: a guardian aunt to the child, a gallant gentleman who hears of the intended knavery, and a number of gentlemen who assist him or at least encourage him to protect the child, who had escaped from custody. Thereupon the Court was defied and an appeal made to the Provincial Council.

Sarah Vanhart, the orphan heroine, was left motherless in babyhood. Ten years later her father, John Vanhart, a citizen of Cecil County, died, leaving her the sole "daughter and heiress" of Vanhart's estate. Although the child was only about eleven or twelve years of age, "one Richard Burnet, a Scotch fellow," took it upon himself to attempt to marry the girl to "one Stephen Coleman, a tailor," despite the fact that Burnet "was neither qualified by ecclesiastical or civil law so to do" and that he sought to do the deed "without consent of guardian or other friends." Before the proceeding was consummated, however, word was sent to Colonel Henry Coursey, then seated at the Chester River upon an estate which was known as the "Thumb Grant" of Lord Baltimore. Conse-

quently, Colonel Coursey, with some equally disinterested friends of Kent County, took horse and attended the meeting of the Court which was to pass upon the fate of the orphan Sarah. Thither Mrs. Margaret Pope, aunt and guardian, brought the child. Justices sitting upon the case spent the day in wrangling; and Colonel Coursey went to James Frisby's for the night, whereupon "the Commissioners adjourned the Court about two miles further." This time they seemed out of reach of the influential Colonel Coursey; for the next morning it stormed, preventing Coursey's attendance. Two of the Justices[23] agreed to the petition; but the other three,[24] apparently being parties to the conspiracy, "would have her placed with she that was Thomas Hawker's wife who married Edward Jones and lies on the north side of Bohemia River—a very convenient place for the tailor to take her away into Pennsylvania.

"These actings," subsequently wrote Coursey to the Provincial Council, "put the whole Court into tumult, the aunt crying after her girl, the girl after her aunt, Justice Stevens pulling the girl, and she striving to get from him." At last the girl broke loose from out of the hands of the Judge and "into her aunt's boat did go." Evidently the boat got promptly under way—perhaps the crowd threatened to interfere—and the girl was taken to a neighboring house, whence she and her aunt were met by Colonel Coursey, who, in turn, took her to his own home for her greater protection. "Two days after," continues Colonel Coursey, "comes [Judges] Wroth and Stevens to my house to demand the child. I refused to deliver her, telling them I heard they were going to sell her to the tailor"; that Mrs. Pope told Wroth "in the open Court that he came to her and advised her to let the tailor have the girl, and he would be bound that the tailor should give her a discharge for that of the girl's estate that was in her hands, which is confessed to be 16000 lbs. of tobacco." This effort to bribe Mrs. Pope to betray the orphan failed, and Colonel Coursey added that the recital did "move me so that I told him I could well afford to suspend him of being a magistrate for his malfeazance in his office. For that he, in being a magistrate to protect orphans and widows, went about to destroy them."

This chivalrous gentleman concludes his letter with the hope that the orphan will be "placed, for I only keep her till I hear

from you; for I will not meddle with the bringing up any orphan or their estates, having trouble enough with my own." Then follows his counsel in the matter, in which, like Solomon, he declares the child should be awarded to her who showed the most love for her.*

From time to time one may find records of the operation in the Province of Maryland of the old English law of deodand, or the formal forfeiture to God, through the King or his representative, of any brute or inanimate object which had caused the death of a human being. The earliest account of the application of the law in Maryland may be found in the records of Court and Testamentary Business. On the 31st of January, 1638, an inquest was duly held upon the death of John Bryant, a planter of Matapanient. Twelve jurors having been impaneled, they were "charged to enquire how the said John Bryant came by his death." The jury found that Bryant was killed "by the fall of a tree"; therefore, the said tree was "forfeited to the Lord Proprietor."[26] This part of the ancient common law of England fell into disuse in Maryland in a comparatively short while. In the mother country, however, it was not formally done away with by statute until 1846; though, long before this act, it may be added, juries ignored the full forfeit and gave but nominal returns. This instance is cited to show that the statement made, on otherwise excellent authority, that forfeiture by deodand was "never allowed or practiced in the United States" is not true. Maryland, at least, furnished an exception.

The labors of the research worker in the colonial archives are not infrequently rewarded by the pleasure of unearthing long obsolete expressions used by the early settlers, such, for example, as "herediculous," previously quoted. "Disfrequent," when applied to hogs, meant hogs that rarely returned for feed. The pleasure is sometimes varied by finding present-day words used in unfamiliar connotations; for example, when Augustine Herman proposed that three "rational" persons on either side be appointed to determine the points at issue between Maryland

*Now the children of this Mrs. Pope which she had by John Howell are the only heirs to the said Sarah, and yet the tenderness that I see in the Aunt towards this girl persuaded me that there is no danger in letting her have the tuition according to our law; for she keeps one [a tutor] in the house on purpose to teach her own children.[25]

and New Netherland, he meant, of course, reasonable, or impartial, persons.[27] "Indifferent" judges were disinterested judges. "Sufficient" men were men equal to the task assigned them. Some words or expressions now regarded as modern slang were in more or less current usage in colonial days; for example, George Alsop's reference to deer that in Maryland were "*mighty* numerous." Here we find that particular use of the word "mighty" still in vogue in parts of the United States. He "bears the bell away" is now heard with variations and appears to be the colonial equivalent for he "takes the cake." Alsop, in his *Character of the Province of Maryland,* breezily refers to "saving my bacon." An approved early use of "you all" is presented in the discourse of the Upper House of the Assembly upon the "obstinate fortitude" of the members of the Lower House. This discourse abounded in fine phrases, classical allusions, and legal quotations: "You mistake us and your Privileges too," reads the record, "for We desire only a full free debate with You all." Perhaps few would suspect that the word "platform," so common in modern political parlance, was known to the political writers of the Seventeenth Century; for the writer of the "Hue and Cry out of Virginia and Maryland" definitely refers to the "plattform" of the "Berkeley and Baltimore parties" of 1676.[28]

Although no records have been found of any attempts to enslave the Indians an occasional reference to "negroes and other slaves" has been assumed to indicate the existence of such slaves in the Province. Since the first such reference "to other slaves" occurs in the proceedings of the Assembly of September–October, 1663, the custom may have been temporarily introduced under the Puritan régime, as the Puritans frequently attempted to put "refractory" natives in slavery, particularly in Massachusetts. On the other hand, "other slaves" may not have included *continental* Indians at all; since the term may very easily have indicated a confusion in the minds of the settlers as to the race of imported persons of color from the West Indies as well as from Africa, the former importations including mulattoes and half breed West Indians. In any event, the Assembly of September, 1664, passed an "Act Concerning Negroes and other Slaves," which has a direct bearing on the correction of an error current in American histories prior to recent years; for

until the second decade of the Twentieth Century, it was universally accepted that slavery was introduced into Virginia with the advent in 1619 of the first negroes. In 1619 slavery was not recognized in English law or in the laws and customs of Virginia; and, although, previously to 1661, slavery was referred to in Virginia court records as in existence, the institution was not regulated by statute law until that year, subsequently to such legal sanction in Massachusetts (1641) and Connecticut (1650). Whether, in Maryland, all negro slaves prior to 1664 were regarded as indentured servants, or whether some of them were regarded as slaves for life, may not be absolutely determined; but the Act of the Assembly of 1664 fastened servitude for life and by inheritance upon all negroes then in the Province or who were to be imported. The first part of the Act reads:

> Be it enacted by the Right Honorable, the Lord Proprietary, by the advice and consent of the Upper and Lower House of this present General Assembly, that all negroes or other slaves already within the Province, and all negroes and other slaves to be hereafter imported into the Province shall serve *durante vita*. And all children born of any negro or other slave shall be slaves as their fathers were for the term of their lives.[29]

The impression having become current that the act of baptism automatically freed a slave from his bondage, the Assembly of 1671 passed an act expressly declaring that baptism did not free the slaves. This was done "to the end" that no one should withhold the benefits of the Christian faith from these heathen people thus brought to America for fear of the loss of their property.[30]

In the foregoing pages it has been shown that Charles Calvert as Proprietary of Maryland was reduced to a poor choice as between the exit of the Roman Catholic James and the advent of the latter's Protestant successors, William and Mary. The course of dispossession, begun by James II, was carried to completion by William III, who in March, 1691, gave a commission to Sir Lionel Copley as the first royal Governor of Maryland. Thereupon, the Province, which, paradoxically, had been a viceregal palatinate and, at the same time, a representative democracy, passed directly under the suzerainty of the Crown; and for

a period the Calverts became mere landlords shorn of the prerogatives of civil authority.

Prior to this the draft of Copley's commission had been prepared by the Attorney General for the Committee of Trade and Plantations, and was sent to Charles Calvert for his approval. Lord Baltimore asserted his right under his charter to appoint a governor for his province; but that he was willing to appoint, if desired,

> a Protestant of unquestioned repute for Governor, as likewise Protestants of very good repute to be of the Council, and to repose the command of the militia and magazine of arms and ammunition in the hands of the Protestants.

A hearing was granted both to Lord Baltimore and to certain deputies who had come over from Maryland; but the Lords of the Privy Council ordered (February 12, 1691) that the

> draft of a Commission prepared by Mr. Attorney General and approved by the Lord Chief Justice Holt, constituting Colonel Lionel Copley to be their Majesty's Captain General and Governor in Chief of the Province, and territory of Maryland in America be prepared for the impress of the Great Seal.[31]

Governor Copley arrived at St. Mary's in 1692, and the government was turned over to him by Coode and the so-called Convention of Associators. Copley forthwith appointed a council and called together an assembly which, controlled by the revolutionary party, formally thanked William and Mary for delivering them from "a tyrannical Popish government under which they had long groaned." The grievances that they enumerated may be illustrated by the folowing passage, in which the Associators were pleased to

> consider the great Revenue his Majesties Clemency has still Allowed and Afforded his Lordship out of this Province and how Little it cost him and his father in Seating the Same; It being Chiefly peopled at first by Unpeopling their Majesties Colony of Virginia invited in hither with their families and Estates by a Snare; fertile Soil; and the Specious pretence of Liberty of Conscience.[32]

The second proceeding of the Assembly formally established the Anglican Church and abolished the practice of religious toleration which had been enjoyed in the Province ever since its founding, except during the decade in which the Puritans held control. This Act was continued in force to the Revolution, ex-

cept for sundry modifications which, from time to time, were introduced; for example, in 1702, a (limited) toleration clause was inserted in the reënacted bill, by which Protestant dissenters were exempted from penalties and disabilities and given the right to have special meeting houses, provided they paid their forty pounds of tobacco per poll in support of the Established Church. The ten counties of Maryland were divided into parishes and all the "taxables," or inhabitants that were subject to tax, were compelled to contribute to their support. Those who held the reins of power were insistent upon the passage of laws in restraint of Roman Catholics. These laws were so severely restrictive that they failed of approval by the Crown. In fact, William III had, in his instructions to Copley's successor, under date of March 8, 1693, said: "You are to permit liberty of conscience to all." Nevertheless, the group in control of affairs in the Province, doubtless fearful lest their partisan proceedings should react against them, continued to promote or create vexatious regulations with a view to restricting not only the public religious exercises of Roman Catholic priests, but also the civil privileges of Roman Catholic laymen, and to limit the further immigration of Irish Catholics. Lawyers of the Roman Catholic faith were for a time prohibited from practising in the Maryland courts. By the Act of 1704, subsequently to the death of William III, Roman Catholics were forbidden to instruct children other than their own, while special inducements were offered for the placing of their children under Protestant teachers.

It would be tedious to go into the details of the interminable religious restrictions and regulations of this period, with the remissions of some of them and the suspensions of others. These details may be found in the special discussions prepared by the priests and ministers of the various religious denominations concerned. Unfortunately, many of these pamphlets and volumes teem with terms of reproach—"crimination and recrimination"—even when it is evident that the authors have gone to original sources for material. All too frequently they abound in expressions of injured innocence in regard to one party to the controversy and of intemperate denunciation of the other. It is difficult, indeed, to find any volume which, on the one side, does not attempt either to condone or excuse the overthrow of the

two great principles established by Cecil Calvert; or, on the other, presents a fair rendition of certain important political and economic reforms instituted under the new régime.

Very little is known about Governor Copley's abilities as an executive or of his character as a man. He was an invalid from the beginning of his colonial career, so much so that he had to leave his duties largely to his council, the members of which fell to quarreling among themselves. Constant controversy must have added much to the distress of the sick Governor, who wrote to the Governor of New York that he had been confined to bed for seven weeks with an illness so severe that he could not hold a pen.*

One notable thing in American history which "every school boy knows," or at least has had opportunity to learn from his textbooks, is the old story of the difficulties which practically all of the royal governors of the American colonies had in collecting their salaries from the colonists. In each of the colonies, at one time or another—almost continuously in some—these liberty-seeking Anglo-Celts reënacted in their respective spheres their ancestors' struggles with the English kings; for the colonial assemblies, like the British Parliament, held the purse strings, and the assemblies endeavored to control the actions of the Governors or gain privileges for themselves by withholding payments on their salaries. Prior to his arrival in the Province, Copley had learned of the experience of other colonial officials. This is evident from the following expressions in his opening address:

> Amongst the laws that you are to make, I must recommend to you this particular which is in my instructions, to wit: The raising further supplies for the support of the Governor for the time being and the defraying the necessary charges of the Government. I conceive it will be an advantage to the country as well as satisfaction to myself to know what you intend for me to support the honor of the post the King hath placed me in and to reduce

*It should be stated that Copley had first won the regard of William III by his success in securing Hull and holding it for the Orangemen. If little is known about his career even less was known about his mortal remains until recently, when investigation brought to light the location of the last resting place of the first royal Governor. The tomb was then appropriately marked under the auspices of the Maryland Society of the Colonial Dames of America. Governor Copley's wife had died shortly after her arrival at St. Mary's of "a Sharp and tedious fitt of Sickness" (letter from Copley to Governor Benjamin Fletcher of New York), whereby, as he wrote Andros, then Governor of Virginia, "he was left to the lamentable Circumstances of a disconsolate Widower."[33]

that, and also the allowances to the gentlemen of the Council and Assembly, to a certain fund.[34]

It appears that trouble about salaries cropped up simultaneously with the arrival of the royal appointees; consequently, many of the Associators who were most ardent in seeking the overthrow of the Proprietary might have compared themselves with the children of Israel, who, having set aside their judges, complained of the yoke of the King whom they had so insistently demanded "to rule over them." The first of these salary troubles arose in the case of Sir Thomas Lawrence, who had accompanied Copley as Secretary for the Colony. Sir Thomas had been given to understand that he was to have all the moneys enjoyed by the Secretary of Lord Baltimore under the old Proprietary régime. Some of these funds the Assembly tried to divert to the Governor for governmental necessities, which left very little for the Secretary. The latter proceeded to make up the deficiency, believing that, if the home authorities did not give him a decent salary, they doubtless expected him to get it any way he could. Accordingly he put out a number of the old administration clerks from their positions and substituted his own minor son and others of his adherents, letting their assistants do the work, of which they themselves were not capable. To others of the older appointees he offered reappointment if they would divide their salaries with him. Thereupon, Secretary Lawrence was charged with the sale of offices and with bribery and corruption. Those who brought these charges may not have been disinterested critics; but, in any event, both the Governor and his council supported the protests of the objectors, and Sir Thomas was put under arrest for "several high crimes and misdemeanors." However, after his case was passed upon in the mother country, he was restored to authority, becoming, for a brief period, Copley's successor on the latter's decease.[35]

The whole matter of official salaries was, at the outset of royal administration, in great confusion, and only gradually was it straightened out. In England, the Privy Council believed that the colony should bear the burden of its own government. The Maryland colonists did not seriously object to this, but many of them did not wish to pay rent simultaneously to the banished Proprietary. Accordingly, they had transferred to the support

of the new government part of the income that the Lords Baltimore had drawn from the Province. This part, they claimed, the Proprietary had not come by honestly, as the "Port Duty," for instance, which they declared to be really a "Fort" duty levied by the Assembly for colonial defense, now wrongfully flowing into his private coffers. The British Council, after deliberation, decided that the Proprietary must be paid his moiety of the duties on shipping and on tobacco exported, but that he should have the court dues and fines only from the manors which he personally owned. The colonists obstinately refused to obey orders on these points until the King himself decided it in favor of Lord Baltimore.

The first suggestion of prohibition by law, in a local option sense, came from the king of one of the tribes of the "Fishing Indians." In the Proceedings of the Council for December, 1688, it is recorded that Tom Calvert, King of the Chopticos, complained that "drinke is brought into the Towne by the English and soe the Indians buy it for skins and that keeps the Indians poore, and makes them drunke; especially, one Francis Knott brings strong drinke as Rum &c. and sells it for skins and cheats the Indians." It is not recorded whether this particular request for the local prohibition of strong drink was granted or not; but, on June 9, 1692, under Governor Copley, when a similar petition was presented by the "Emperor and Great Men of Piscattaway and other Indian Townes against the Irregularity of their young Men when they get drunk, and desiring the Prohibition of carrying Rum or Other strong Drink among them for the future," an order of the Council was issued the next day prohibiting the taking or sending of any strong liquor into any Indian town.*

Moved by reports of Indian raids on the frontiers of New York and by the uncertainty as to the intentions of near-by newcomers, it was resolved by the Council in February, 1692, to erect forthwith three forts on the frontiers of the colony,

*Cf. *Archives,* Vol. VIII, pp. 53, 327. The Nanticokes of the Eastern Shore, who stood aloof from the colonists a long while, preserved their tribal entity for a considerable time and, about the year 1750, a portion of the tribe emigrated to the North, taking the bones of their ancestors with them, having sold the reservation of three thousand acres assigned them (1711) in Somerset County (later included in Delaware). An interesting lawsuit is on record (*Maryland Public Documents,* 1853, p. 7), concerning a claim of the Canadian Nanticokes to this purchase money, which they alleged had not been paid. The claim was rejected.

in each of which a dwelling house sufficient to retain and accommodate a Captain and nine soldiers, together with a small cabin for four Indians to be found and sent thither by the Emperor of Nanticoke, the Emperor of Pascattoway, and the King of Choptico,—the said three forts to be erected and built one in Charles County by the direction and appointment of Captain John Addison, one in Anne Arundell County at the direction and appointment of Col. Nicholas Greenberry, and the other about the Falls of Patapsco towards or near Susquehannock River in Baltimore County.

These forts were carefully located, and it was stipulated that "white soldiers were to keep continually ranging between one another."[36]

There was a small library provided for these Rangers

when they be Required to Range out of Public Service for the better discovery of any approaching Enemy, *viz:*—2 Holy Bibles, 2 bookes of the Whole Duty of man, 2 Books of Catechism, a Brief Discourse on the Whole Duty of Man.

Later we learn that half of the Rangers, clad in green, were to leave the fort on Monday morning and range the frontier forest from the Patapsco to the Susquehanna along a trail they had cut for the purpose until Saturday evening, after which they were to spend Sunday together at the Fort, the other half going forth in the following Monday morning to their week of ranging. The range had on it two cabins at fifteen miles interval toward the Susquehanna and two at ten miles interval toward the Patapsco.[37]

Another measure of the Copley administration contains what may be called the beginnings of our modern coast guard. Soon after his arrival, the Governor learned that his rights and perquisites under his commission were being violated by certain groups of whalers and others living in neighboring colonies who visited at suitable seasons the shores of Maryland and appropriated the bodies of whales and other fish which had drifted ashore. In time, they seized valuable wreckage and excited the indignation of property owners along the coast by cutting down forests and otherwise trespassing. Governor Copley thereupon appointed Edward Greene of Somerset County as

Chief and only Officer under me for the taking, seizing, and cutting up, and trying the blubber, and making such other use and benefit as you shall think fit or possibly can for the most advantage, of all such drift whales or other fish, and of all or any other drifts, wastes, or wrecks whatsoever as shall at any time hereafter happen to come or be cast on shore on the seaboard side within the limits and jurisdiction of this Province.

Of the profits Green was to have one third and the Governor two thirds.[38]

Lionel Copley died in September, 1693. Francis Nicholson, who had been appointed Lieutenant Governor of Maryland in 1691, was due to succeed Copley. Although Nicholson was then in England, he had already had considerable experience in colonial affairs, having been Deputy Governor of New York prior to the revolution of 1688–1689, when he was appointed Lieutenant Governor of Virginia, to be superseded by Sir Edmund Andros in 1692. Upon Copley's death Andros claimed the governorship of Maryland. Although the Assembly denied his claim, which was only valid in the event of the death of Nicholson, Andros, in his usual arbitrary fashion, seized the government, but held it only for a few days, when he returned to Virginia and Colonel Nicholas Greenberry of the Council assumed the reins of office as president, to be succeeded, *ad interim,* May 7, 1694, by Secretary Sir Thomas Lawrence.

Governor Nicholson arrived in Maryland in 1694. He convened the first Assembly under his administration at Anne Arundel Towne, soon to be known as Annapolis. This action the more easily paved the way for the permanent removal of the seat of government from St. Mary's to the banks of the Severn. When the proposal for the transfer of the colonial capital came up before the people of St. Mary's and lower Maryland they prepared a "humble address" in which they stated the reasons for the maintenance of the first capital whilst they tried to offset the arguments of the opposition. First, they began by referring to its ancient rights and privileges as set forth by the Founder of the Province. Second, they enumerated the advantages of St. Mary's as a safe and defensible harbor against attack, its exceptionally pleasant and healthful site, etc., and the public improvements there established, such as the State House and prison, which had "cost the country at that time three hundred and thirty thousand pounds of tobacco." Third, they

moved his Lordship with their free offering of one hundred thousand pounds of tobacco towards the erecting and building for his Lordship a dwelling house at West St. Mary's, convenient and adjacent to the said City.

They called attention to the fact that in the year 1683 the courts and assembly had been removed to "the ridge in Anne Arundel County"; but, because of the distress of all for lack of proper accommodations, the experiment had dismally failed. Fourth, that the expectation of the expansion of the original capital had caused many settlers to make investments in comparatively poor land near the site of the city. The transfer of the provincial capital would tend to impoverish these and destroy the effect of the improvements created, and that it was highly advantageous to have the Capital

continuous to its neighboring colony of Virginia, with whom a mutual intercourse and correspondence is most undeniably necessary and material.

Fifth, the protest enumerated the difficulties of removing the records, together with the cost of building new courts and offices. Sixth, that the people of St. Mary's would offset the disadvantage of a non-central location by providing

a coach or caravan or both to go in all times of public meetings of Assemblies and provincial Courts, &c., every day daily between St. Mary's and Patuxent River and at all other times once a week and also to keep constantly half a dozen horses at least, with suitable furniture for any person or persons having occasion to ride post or otherwise with or without a guide to any part of the province on the Western Shore.[39]

The signatures to this petition included individual groups that previously had been in violent opposition to each other. These names included not only the more ancient Roman Catholic and Protestant families of the lower counties, but also the signatures of many of the Associators—the signature of John Coode beside that of Robert Carville. Also among the names of the subscribers is to be noted that of a Henry Wriothesley, the name of the third Earl of Southampton, the first patron of Shakespeare and the right-hand man of Sir Edwin Sandys in establishing political liberty at Jamestown. Another name of particular interest is that of William Nuthead, the first public printer of the Province.

To this earnest petition the Assembly, evidently composed very largely of those who had made up their minds to make the change, returned abrupt and final reply, in the course of which they said that the reasons adverse to the proposed change as

given in the "address" were "hardly deserving any answer at all." In their zeal they went so far as to speak of St. Mary's City as "this corner and poorest place of the Province," whereas the proposed new site was referred to as "the center and best abilitated place thereof." It was stated, also, that

> the being of St. Mary's so near Virginia is not so great an advantage to the Province as the placing the courts in the center and richest part of the same, which is no great distance from thence or Virginia either and nearer New York and other Governments which we have as much to do with as Virginia if not more, and the place as well watered and as commodious in all respects as St. Mary's.[40]

The first session of the Assembly at Anne Arundel Towne was held at the house of Edward Dorsey on February 28, 1695. In a subsequent session, a few weeks later, "Anne Arundel Towne" became "Annapolis" and contracts were made with Caspar Augustine Herman, delegate from Cecil County, for the erection of a State House, parish church, and a schoolhouse. The problem of education was introduced by Governor Nicholson, acting largely, it seems, under the instructions and in accord with the earnest solicitude of the Queen. It will be recalled that the first effort to establish a school within the present bounds of Maryland was initiated whilst the whole of the continent south of the Hudson was still "Virginia." This was the abortive Palmer's Island proposal. The first effort in the Province of Maryland to provide for public education had been instituted in 1671, when on April 13th there was read "an Act for the founding & Erecting of a School or College within this Province for the Education of Youth in Learning & Virtue."[41] However, sundry provisions or amendments relating to the establishment of the school were rejected by the Upper House, and nothing came of the proposal. The population of the Province was still small (less than 25,000) and so widely scattered in far-flung plantations, separated by indifferent roads on land or wide waterways, that, at best, school attendance would have been most difficult. Consequently, the education of the children was left to parents, priests, ministers, or an occasional tutor or "schoolmaster." In fact, from time to time, school masters were offered for sale, as seen in the following advertisement in the Maryland *Gazette* for February 17, 1774:

To be sold—a schoolmaster, an indented servant that has got two years to serve.

JOHN HAMMOND, near Annapolis.

N. B.—He is sold for no fault, any more than we are done with him. He can learn bookkeeping, and is an excellent good scholar.

That at least elementary education was general, despite the lack of public school facilities, is shown by the fact that a surprisingly small proportion of those who signed the public petitions of the day were limited to making their marks; for example, the number of those making their marks against the removal of the capital were but seven out of the total of seventy who subscribed to that protest.

On September 24, 1694, Governor Nicholson and the Council had urged

that a way be found out for the building a free School for the province and a maintenance for a schoolmaster, an usher, and a writing master, that can cast accounts:

The which, if it can be agreed upon, his Excellency proposes to give 50£ towards building the said school and 25£ Sterling a year towards the maintenance of the masters during his Excellency's time.

His honor, Sir Thomas Lawrence, will likewise give 5000 lbs. of Tobacco towards the building the free school and 2000 lb. of tobacco yearly during his being Secretary towards the maintenance of the said masters likewise.[42]

To this the Lower House made reply under date of October 3d:

Having received your Excellency's instructions of the 24th of September and considered your Excellency's proposals and large contribution towards the establishing a free school, we have endeavored as far as able to follow your Excellency's example and, in order thereunto, have contributed towards the building such a free school as your Excellency hath proposed the sum of 45,400 pounds of tobacco; and some absent members as yet have not subscribed and doubt not that every well minded person within this province will contribute towards the same, and upon consideration thereof have had some debate concerning the building of one free school on the western shore and another on the eastern shore, and have nominated Severn and Oxford for the two places, all which debate we leave to your Excellency's consideration and appointment, and to that end and purpose humbly desire a conference with your Excellency and Council to consider of the best ways and methods to establish the same.[43]

Although the administration of Governor Nicholson has generally been given credit for the beginnings of public education in Maryland, the school thus discussed was not opened until 1701, after he had departed for other fields of colonial activity,

when it was called "King William's School." From the standpoint of royal patronage and interest it would have been more appropriate to name it in honor of Queen Mary, who may be regarded as the first patron of education in the Southern colonies. She held that the College of William and Mary at Williamsburg, Virginia, was the first step in her scheme of education, and the finishing point for the first schools to be created in Maryland. In fact, the people of both Maryland and Virginia were called upon to support the College of William and Mary by means of the imposition of a penny tax upon tobacco.*

Further evidence in regard to an attempted connection between the proposed educational systems of the two neighboring colonies is shown by the entries regarding the premature arrival of Mr. Andrew Geddes, who was sent over to Maryland by the Bishop of London. At first the Assembly expressed the desire that "some encouragement be given" this schoolmaster and requested the Governor, in lack of an immediate place for him as a teacher, to appoint him to read prayers in some parish where no minister was provided, and that he receive some recompense out of the parish tax. On the third of June, however, we find that

> The House are made acquainted that Mr. Geddes, the school master sent in, is placed out as under master to the College School in Virginia, to save a present charge and to gain himself the more experience against the School is here built.[45]

From its establishment the school at Annapolis received its principal support from a poll tax, and an extra tariff on the importation of tobacco, and the importation of negroes. It marked the beginnings of the St. Johns College.[46]

Reference has already been made to the first library—a circulating one—for the benefit of the rangers in their alternate weeks of guard duty at the forts. Interest in the establishment of schools aroused an interest in the acquisition and circulation

*A query was propounded as to "whether the breeding of Indian youth in schools and fitting them for the university in Virginia will not be one good end to effect the conversion of the Indians." This "query," formally presented by Governor Nicholson and recorded under date of June 11, 1697, was followed by the sententious comment of the House, "That it is a very good means to effect the same, if any persons be so charitable to educate them." Thus the Assembly got public credit for harmonious agreement with the Governor without pledging itself to do anything.[44]

of books among the people. There was considerable discussion in the Assembly as to the distribution of such books as could be obtained, together with their proper care and keeping and accessibility to the public. Of this the following report of September 24, 1696, gives evidence:

> The House met; and proceeded further to debate and resolve upon the proposals yesterday laid before them, *viz.:*
> 16th. Where the Library for Annapolis shall be put.
> 17th. That a law be made to secure the several parishes' libraries when they come in. Resolved, a bill be drawn according to proposal.[47]

However tenaciously the Burgesses contended for extensions of political privilege, and however zealously they guarded old ones, the popular House was not always right. Moreover, there were certain helpful changes instituted by the royal governors; for example, Copley and Nicholson inaugurated a new system in the management of the fiscal affairs of the Province; so that the methods introduced by these executives may be said to have laid the foundations of the sound banking principles for which Maryland has been noted from colonial times to the present day. In the Proceedings of the Assembly are records of the appointment of standing committees to examine the accounts of those representatives of the Council or of the House of Burgesses who were in charge of public funds. Under Nicholson, for the first time, there are frequent references to public moneys on deposit: *e. g.,* the following entry in the Proceedings of the Assembly for September, 1696: "There is in Bank for Building the Church, £458, 13s. 04d." Another reference to money on deposit is of especial interest as it touches upon the age-old, yet ever recurrent, problem of meeting a rising tide of public expense. In October, 1698, Governor Nicholson, in presenting the incoming letter of "Their Lordships, the Right Honorable the Lords of the Council of Trade and Plantations" takes occasion to add:

> And because that the publick Levy will be pretty high this year, he will propose to them that halfe the mony in banck should be applyed towards discharging thereof.[48]

Again, the royal government left a valuable legacy in the revision of the colonial laws, which, with many reënactments, errors, and alterations, had fallen into great confusion. Of the

result of what was accomplished by the Assembly of 1715, Browne says:

> A body of laws [was] framed, which may almost be called a code, and a copy of this code was sent to every county. So satisfactorily was the work done, that it remained, broadly speaking, the law of the Province, and, fundamentally, the law of the State, almost to our own times.[49]

Hence, it appears that although these British governors made many proposals that were utterly impracticable under new conditions in America, some of their plans and proceedings were as applicable to the affairs of the newly founded settlements as they were to the conduct of public and private business in the mother country.

The administration of Governor Nicholson foreshadows the ever-sharpening struggle for self-government in the colony. Because of Copley's serious illness during the greater part of his administration it may be said that the term of Governor Nicholson presented more clearly the beginnings of the long struggle between the royal executives and the Lower House of the Assembly, in which the representatives of the people consistently and persistently strove for self-government and political privileges. The argument between the Governor and the Assembly ran the gamut between polite notes of explanation and apology on the one extreme to charges of malfeasance in office and treason to the King and Parliament on the other. An admirable illustration of the more pleasant side may be seen in Governor Nicholson's reply to the House, September 30, 1696, in which, anent the proposed imposition of an additional tax for the building of the church, he attempted to soothe the feelings of the Assemblymen in this wise:

> His Excellency is pleased to signify that he is not so dogmatical as to imagine his own opinion to be infallible, or endued with Eloquence enough to persuade the House against their own Inclination or to force people's consciences.

Here, the polite deference to public opinion seems to have helped the Governor gain the point at issue; for the following note is recorded in the Assembly Proceedings:

That the Additional duty of 3d p hhd for defraying the public charge of this Province for one year be applied to building the Church at Annapolis.*

It would be tedious to present the recurrent struggles of the Assemblies with each new Governor as the latter attempted to exercise prerogatives which the Burgesses denied, or which they determined to curtail. The request of the first royal Governor in regard to the appointment of a clerk for the House was deliberately rejected by the latter body, presumably not because the suggested appointee was disliked, but because the Assembly deemed it would create a dangerous precedent to have the Governor make the appointment. Again, on another occasion, the Lower House, in no uncertain tone, voiced its objection to an encroachment upon its privacy or privileges when it declared "that it was not consonant to the rules and methods of Parliaments and Assemblys that your excellency should be present here while the House is sitting."

The Governor retired.

In March, 1698, the Assembly made protest against the disbarment of an attorney (*infra*), and the imprisonment for debt of a member of the Assembly. Governor Nicholson accused the Lower House "of despotick inclinations," and demanded if their action was unanimous. The Burgesses retorted that the query was "so Unparliamentary that they begged to be excused from answering." This particular reply of the Burgesses contains a passage favorably contrasting the attitude of the Proprietaries with that of the representatives of the Crown. This passage reads:

But we have done our duties in representing the same to your Excellency and shall proceed no further than by leaving our vote upon our Journal to assert that Right and Liberty which before this time was never questioned from the very first seating and inhabiting of this Province.[51]

From a review of the differences between the royal Executives and the Assembly, it would seem either that the settlers had more to contend for, or against, in the case of the royal gover-

*Immediately thereafter, however, appears the Assembly's rejection of the recommended "Gratification of Mr. Bray," the clergyman extraordinary who had been sent for from England to bring order into the affairs of the Anglican Church and discipline among its ministers. When this rejection reached the executive and his council, the following rejoinder was returned to the House: "The Gratifying Mr. Bray being rejected by the House, the question is asked whether the House do imagine any person will do their Business for nothing."[50]

nors than under the Proprietary, or else they were more fearful of monarchical tyranny and therefore the more insistent upon preserving the privilege of governing themselves. It is certain that newly arrived royal governors had high opinions as to their own importance and a correspondingly low opinion of the men and methods of the crude American settlements. They did not realize that, in matters of political and religious liberty, the Maryland provincials not only were abreast of their fellow countrymen in the mother country; but, together with their fellow settlers in the other American colonies, were forging rapidly ahead of all the peoples on earth in administering, with remarkable self-control and sound judgment, their public affairs. The Assembly was indeed, as it openly asserted, a true parliament, which, except in members, wealth, and prestige, was equal to that of the mother country. When Governor Copley had suggested, in order "to save expenses," that the usual temporary legislation be made "perpetual," the Burgesses declared that they had "experienced the ill consequences of perpetual laws, so-called, as to give them caution in being too forward of passing too many of that kind again." Furthermore this Assembly released Sir Thomas Lawrence from confinement, not because they favored him, but because the Governor had committed him "in absolute violation of the liberties and privileges of the King's subjects" and because *"the Subjects of this Province ought not to be denyed but to have their Habeas Corpus granted to them."*

An excellent illustration of the more inappropriate suggestions originating in the mother country may be seen in the King's message read by Governor Blackiston in June, 1699. When the Governor expressed the hope that the Assembly would be on its good behavior, the Burgesses replied amiably that they would, of course, behave themselves, but that they considered certain of the royal recommendations to be impracticable; for example, the construction of "publick work houses," adding, "we adjudge them altogether needless. . . . Here [in Maryland] is no beggars"—a comment as to mendicants that bears out the observations of George Alsop some forty years before.[52] Yet, although there were "no beggars," it appears that the presence of idlers irritated the large landowners, who reported it at Court. In any event, William III's recommendation for work-

houses was followed by the recommendation of Queen Anne through Governor Seymour (April, 1704) "that all freemen be obliged to give a good account of themselves how they gain their livelihoods; or in default of such account, the Justices of the County Court be impowered to place them out to work and make corn at reasonable wages."

On another occasion, in response to Governor Blackiston's urging that the Burgesses and people "give some signal proofs of our utmost loyalty and gratitude to so great and glorious a Prince as we have the blessing to be under," the Lower House, on June 30, 1699, made the following significant rejoinder:

> You shall surely find his Majesty's subjects here of an ingenious, humble, obedient, and loyal disposition, and as sincerely endeavoring that nothing shall disconsonant the good harmony you wish to find . . . and although your Excellency, serving his Majesty in a higher station than any of us, may render your loyalty more perspicuous, yet we will contend that ours shall be uniform and proportionable; and as we never had any apprehension that his Majesty would retrench us of any of those rights and privileges here which we have in England, so will we always esteem his royal prerogative sacred, and *hope we shall never see it misapplied to personal strife and contest, nor to justify any violent action.*[53]

By the close of the Seventeenth Century the Anglo-American colonies of the Atlantic seaboard were beginning to touch hands with their next-door neighbors all the way from Canada to the Carolinas. Properly to appreciate the position of Maryland as being in the central portion of this great development it is necessary to view the narrative of the Province, first in connection with the common interests of all the colonies in facing a common foe in the French and Indians of the North and West, and then in connection with the local danger of the attempted encroachment of the King and Parliament upon the rights and privileges they had developed in self-government. It was natural for the mother country to attempt to amalgamate these settlements and concentrate their energies against the foe that threatened them; but with the effort to amalgamate came additional restraint from without. The colonists feared this exercise of authority and felt that any form of colonial centralization of power would threaten or destroy the self-government that each colony, in greater or less degree, had practised since its founding.

The Iroquois tribes that had seemed the greatest menace to Maryland constituted, in large measure, the instrument that turned aside the first French and Algonquin attack by confining that attack to the Northern colonies. It was during the period of the first succession of royal governors that there occurred the two wars known in America as "King William's War" and "Queen Anne's War." The first lasted from about 1689 to 1697, the second from 1702 to 1713. In King William's War the aged but able Count Frontenac was, except for destructive forays, largely on the defensive; but his defensive was so successful that the laurels of this conflict must be given to him; for, at its close, the Iroquois were glad to sue for peace. In Queen Anne's War the French were less successful; Canada was invaded on the North, and the Carolinians defeated the combined French, Spanish, and Indian allies in the South. On the other hand, the French had, at the end of this period, made good their line of forts from Detroit to Mobile; and it was this line that menaced the peace and extension of the middle colonies.

Maryland did but little for the common defense during these two wars. For this comparative inactivity there were impelling reasons. Marylanders could not proceed wholeheartedly against an alien enemy whilst their most-prized treasure—local self-government—seemed jeopardized as never before at the hands of King and Parliament or their representatives. As far as her participation in the French and Indian Wars was concerned the difficulty in Maryland may be said to have begun in August, 1694, when the Crown ordered the Province to send a force of men or other assistance to the aid of New York on demand of the royal Governor of that colony. The House of Delegates, as the Burgesses were beginning to be called, voted, in round numbers, £133 as its quota to aid New York, and then passed another bill for £333 for maintaining His Majesty's forces—the first gratuities granted by Maryland to the Crown.*

The policy of the Crown during these French and Indian

*Both the older nomenclature and the new were employed in a single sentence when, in October, 1695, the Clerk of the Council was "Given in charge to acquaint the House of Delegates and Burgesses that his Excellency desires they would walk down, towards the dusk of the evening, for to drink his Majesty's health, at which time he would cause a bonfire to be made for the joyful news of his Majesty's success against the French."

Wars has been called "the beginning of the weaning process that at last was to alienate Maryland from the mother country." In the stress of war, the Maryland Assembly voted to grant these requisitions as "free gifts"; but the colonists did it with increasing reluctance and delay, for they recognized the danger of the precedents thus created. Always the Assembly pleaded excuses or difficulties in the matter of meeting these demands. They had objected to the Navigation Acts, but a system of smuggling had grown up to such an extent that the colonists had become used to that form of restriction; in fact, a fair proportion of the traders and office holders were so profiting by the law, or rather the evasion of it, that what must have been a most formidable and persistent opposition was silenced by this element and by those less far sighted who felt that acquiescence in the matter of an objectionable but inoperative law was better than an open conflict with the power of Parliament.

It should be borne in mind, also, that in 1696 a special board for the care and direction of colonial affairs was established in England. This board was entitled "The Lords of Trade and Plantations"; and it was at this time, also, that the legislature of Maryland became alarmed at the apparently imperialistic demands of the royal government for New York. In a petition to the King, of August 6, 1691, the Governor and Council of New York declared:

> There can be nothing in America more conducive to your Majesty's dignity and advantage, and for the safety of your Majesty's subjects upon this continent than that Connecticut, East and West New Jersey, Pennsylvania, and the three lower counties [Delaware] be re-annexed to your Majesty's province [New York] which will then be a government of sufficient extent.

This proposition seemed to fit into the amalgamation plans or ideas of the British Board, and Maryland felt that the alien menace of French and Indian forays was exceeded by the threat of the loss of her identity and of the self-government which she cherished above all else. The menace was aggravated in that, since the Proprietary government had been abolished, Marylanders could no longer fall back upon the bulwark of the charter. Largely by reason of their own acts they had intrusted themselves to the King and Parliament.

Furthermore, Marylanders could not but observe an appar-

ently well-organized colonial propaganda for union. Daniel Cox, a Virginian, wrote, with no little plausibility:

> Without a general constitution for warlike operations, we can neither plan nor execute. We have a common interest and must have a common council—one head and one purse.[54]

In the face of this agitation for centralized power the people of Maryland set themselves for conflict to avert the menace to their most cherished principles.

A review of the less important events under the royal governors shows that colonial trade was suffering severely from depredations by pirates, both in the Chesapeake Bay and on the high seas. In addition, during Queen Anne's War, French cruisers raided the Chesapeake. They attacked trading vessels, plundered plantations on the water front, and even threatened Annapolis. Sundry of the lesser pirates were captured in Maryland; and it was openly charged that some of these freebooters received protection in Pennsylvania, to the profit of certain traders, merchants, and officials there. When captured in Maryland waters the raiders were sent to England for trial, until courts of admiralty were set up in Maryland. In the meantime, as a protection from both French privateers and pirate craft, the people of Annapolis erected their first fort in the town.

Piratical acts on the high seas appear to have accelerated the traffic in negro slaves. Possibly sea captains found it safer to carry cargoes of human beings than cargoes of merchandise. Pirates doubtless preferred seizing the more adaptable merchandise, whilst they may have felt some kind of kinship with the kidnapers of the African savages. In any event the negro captives were now being brought direct from Africa rather than reimported from the West Indies. The trade soon proved highly profitable to British merchant owners of the vessels engaged; but they appear to have enjoyed no monopoly, for the shrewd and hardy sailors of New England developed able competition. The first American slaver, the *Desire,* constructed for the slave trade, was built at Marblehead, in the Massachusetts Bay Colony, as early as 1636. This was but two years after the founding of Maryland and during the year that the colonies of Connecticut and Rhode Island were begun, the latter "planta-

tion" subsequently dealing more extensively in this unhappy traffic than perhaps any other colony and state in proportion to its size. The Treaty of Utrecht, which ended the War of the Spanish Succession ("Queen Anne's War"), gave Great Britain a monopoly on the slave trade with the Spanish, and the surplus slaves were dumped on the British colonies. By the middle of the Eighteenth Century, the total slave population in Virginia was more than half as large as that of the whites. In South Carolina the blacks outnumbered the whites, and negro slavery was recognized by law in every North American colony. New York, despite a colder climate and less proportionate attention to farming, vied with Maryland in that the negroes formed between one sixth and one seventh of the population. In the former colony great excitement was aroused in 1712 and 1741 over the alleged discovery of negro conspiracies to massacre the whites. On the latter occasion fourteen slaves were burned at the stake and eighteen were hanged. Happily the Province of Maryland experienced no such violence.

In Maryland negro slaves were employed in the cultivation of the best paying crop, tobacco; but few, if any, Southern merchants or colonists were engaged in the African slave trade, and there was a strong public sentiment in both Maryland and Virginia against the continuance of this traffic. For promoting the traffic over frequent colonial protests on the part of the Southern colonies, Thomas Jefferson, in his original draft of the Declaration of Independence, bitterly arraigned George III. The influence of slavery on commerce in the colonies has been variously estimated. In early times, the serving class was deficient in numbers, since the easy acquisition of land offered exceptional opportunities for a poor immigrant to become a small farmer, or at least a hunter and trapper on the frontier. Moreover, farming on shares for others was a stepping stone to personal ownership within the reach of any able-bodied man.[55] When the supply of white redemptioners failed the answer to the service shortage was the African slave. Ships owned in England would call at the Chesapeake ports and load with tobacco and other products. These would be disposed of in London or Liverpool and the ships would sail thence for the coast of Guinea. Here they would take on natives secured in various ways and complete the round trip to the Chesapeake or other American ports. The

proceedings of the colonial, or the New England, slave traders was somewhat different. The latter subsequently developed regular routes to the West Indies, whither they took merchandise to exchange for tropical products, especially sugar and molasses. They then returned to the New England coast, converted the molasses into rum, and went from there to Africa. With rum, beads, and trinkets they bought the natives from whites and blacks alike, chaining and loading the naked hordes on board their ships like cattle for the noisome trip across the Atlantic.*

By early writers unfriendly to or perhaps prejudiced against the colonies on the Chesapeake much unfavorable criticism was made of the large percentage of indentured servants in the earlier days of the middle colonies and of the "convicts" which were sent over in later times. Neither unfavorable reflection carries weight at face value in modern terms. If the story that William Shakespeare was a poacher be authentic, Shakespeare himself might have been deported as a common convict, or, in the generalities of that day, listed as a "dissolute person." It is, therefore, well to bear in mind that until the harsh laws of the Seventeenth and Eighteenth centuries were modified, one may get a wholly false impression from a perfectly true statement. From the stock of the redemptioners of Plymouth and the debtors of Georgia sprang the kind of men that conquered the wilderness and secured the blessings of self-government. In like manner the redemptioners of Maryland and the released debtors and "convicts" were made up of all kinds and were taken from all classes, "gentle folk" as well as plain. They varied from high class political prisoners to law-breakers and criminals. The occasional practice of James I in sending the so-called "seven year passengers for the better peopling of the American plantations" was greatly extended by acts of Parliament, particularly during the beginnings of the Eighteenth Century. Under George I, those guilty of minor offenses and entitled to "benefit of clergy" might also be deported to America as

*In 1708 Governor Seymour reported that "Negroes have been sold for Bills of Exchange payable in London, generally men at £30 sterling, per head, and women at five & six and twenty pounds." And he added the significant statement, "As to shipping belonging to this Country [Maryland] & imployd to the Coast of Affrica at present, I cannot learne of any, nor above two or three persons concerned therein with the Merchts in London."[56]

redemptioners under bond for service. From all this it will be seen that a very large element of the persons thus deported were highly desirable immigrants for the new country. These were also a great number of free spirits who, in the humble guise of redemptioners and "apprentices," fled from Old World customs, even though they were the prospective heirs to comfortable estates and long-established titles.

Notwithstanding all these mitigating circumstances the practice was objectionable to the colonists. As early as 1676 Maryland had passed "an Act against the importation of convicted persons into this Province." This act drew upon her the reprobation of the Crown lawyers, who contended that every law of the colonial legislature, passed to restrain a measure that was allowed and encouraged by acts of Parliament, was void *ab initio*. Nevertheless, provincial regulation was continued at different times, till the year 1692, when a new law was passed. Again, finding these regulations more or less ineffectual, the Lower House of the Assembly, during the French and Indian Wars, passed a law imposing a tax upon imported convicts, which the Governor and Council resisted upon the ground that it was in conflict with the acts of Parliament authorizing the importation. During the controversy that arose between the two houses, the subject was submitted to Attorney General Murray, afterward Lord Mansfield, who pronounced the opinion that no colony had power to make such laws, because they were in direct opposition to the authority of Parliament; if they were proper, the colonial legislatures might, with equal propriety, lay duties upon, or even prohibit, the importation of English goods. The argument was unfortunate, for under the charter of Maryland (which the attorney general admitted he had not examined) the Assembly had the right to impose duties on imported British merchandise.[57] In the *Calendar of State Papers for America and the West Indies,* it is recorded that through James Vernon, the Lords Justices of England, July 1, 1697, wrote to the Council of Trade and Plantations that there were "about fifty women convicts" awaiting transportation to America. Vernon wanted to know where it was best to send them. This letter or message must have been promptly delivered, for, on the following day, the representative of the Council wrote to the agents of the different colonies seeking

advice or counsel in the matter. To this circular inquiry the agent for Massachusetts replied:

As to the transportation of New England convicts, the Government and inhabitants of New England have from their first settlement earnestly desired to be excused from entertaining criminals transported to America. *But it is well known that they will be willingly entertained in Virginia, Maryland, Barbadoes, Jamaica, or the Leeward Islands.**

The danger of making assertions based upon one-sided testimony is well illustrated by the statement of the Massachusetts agent as to the alleged willingness of Virginia, Maryland, and the other colonies. On the contrary, Micaiah Perry, agent for Maryland and Virginia, wrote:

As regards your letter of the 2nd, Virginia and Maryland being on the Continent and several governments joining on each other have found the entertainment of Convicts to be prejudicial and have passed a law against the importation of them.

The matter was again under discussion in October of the same year, as may be seen from the following communication from the Council of Trade and Plantations to the Lords Justices:

In reply to Mr. Vernon's letter of the 21 inst., we represented to you on 26 July last the objections then made by certain persons against receiving convicts in the colonies. The Agents of Virginia and Maryland in particular alleged that these colonies had received such prejudice by the entertainment of convicts that they now [have] precluded themselves by law from receiving them. . . . *We know of no colonies except Virginia and Maryland which have passed laws against the reception of convicts* (though Massachusetts has always desired to be excused from it), and we think the unwillingness to receive convicts in other places is more or less according to the time in respect to war and peace, and always *according to the quality and circumstances of the convicts themselves.**

This reply doubtless is a correct commentary on the situation in Maryland and Virginia. Whilst compelled to make a public provision broad enough in its phraseology to exclude all convicts the people of Maryland sought, nevertheless, to discriminate between rogues and incorrigibles, on the one hand, and political prisoners, prisoners for "conscience' sake," and unfortunates held for petty offenses, on the other. As late as July, 1767, the *Maryland Gazette* published a controversy between

*Italics inserted.

certain of its correspondents, one of whom urged that all convicts be excluded for the better welfare of the colony, both moral and physical, and another who expressed the view that they should be admitted. This latter correspondent complained of the fact that

> a few gentlemen seem very angry that convicts are imported here at all, and would, if they could, by spreading this kind of terror, prevent the People's buying them, and then of course they would not be brought in. I confess I am one of those who think a young country cannot be settled, cultivated, and improved, without people of some sort, and that it is much better for the country to receive convicts than slaves. . . . The wicked and bad of them that come in this Province, mostly run away to the northward, mix with other people, and pass for honest men; whilst those, more innocent, and who come for very light offenses, serve their time out here, behave well, and become useful people.

In the early period of colonial settlement diversification of industry was encouraged by those responsible for the government of the Province. In the course of time, lumber mills were built from trees hewn on the spot, and the wheels were sometimes made entirely by hand. Even the cogs were hewn out. Wine was made of the native grapes, of which great things were prophesied—as of the silk industry in Virginia. Leather was tanned and used for footwear and clothing. Wool and flax were woven by the women and servants into commercial articles of coarse grade. Wheat was grown for export; also flax seed, and hemp; while bales of sassafras roots seem to have found a wide sale in the markets of Europe.*

Although it was early seen that the soil of Maryland contained considerable iron ore cropping out here and there, the settlers were slow to utilize it. The first exportation of the ore is said to have been made in 1718, when samples were received in England. Griffith records that as the result of a parliamentary act for the encouragement of the export of pig iron, the legislature of Maryland in 1719 offered 100 acres of land free to anyone who would set up furnaces and forges in the Province. Under this act several furnaces and forges were erected during the next thirty years. About 1722 further encouragement was extended to the industry in the exemption of its laborers from work in mending the public roads; and still later in exemp-

*Although it appears flax was an occasional product in colonial days, the discovery has just been made that the Eastern Shore of Maryland is capable of producing, and has produced in 1928, the finest or largest staple flax in the world.

tion from militia duties.[58] The successful career of this mining industry was largely due to the lack of objection on the part of English manufacturers, who were glad to get the pig iron of the colony, as they resold the articles they made from it to the colonists at a handsome profit. Besides, wood was scarce in England and required conservation for other purposes. There was some objection on the part of the English charcoal burners over the limitation of their output, but they were overruled by the manufacturers.[59] The manufacture of nails by hand represented one of the industries in which the country first became partially independent for its supplies.

Possibly the most interesting industry of the earlier period of the free development of Maryland relates to that of shipbuilding. No colony surpassed Maryland in facilities, and the prospects were bright for colonial leadership that would bear rivalry only in the mother country. Nevertheless, in comparison with the activity shown in the planting of tobacco and other crops, there was little interest taken in shipbuilding, albeit it is recorded that

> In 1649 died Richard Bennett, shipper and planter, of Wye, the richest man in the Province. He owned many vessels, and gave employment to the best shipbuilding of Miles and Chester rivers.

The records show other scattered references to shipbuilding; for example, in 1675, the notation that "boats and schooners began to be built in Miles river on the Eastern Shore." Nevertheless, Maryland-made seagoing vessels were scarce; for the colony suffered from the severe restrictions of the Navigation Acts, which brought complaint even from the staunch Royalist Berkeley, who submitted to the Committee on Trade and Plantations a report on shipbuilding and trade in both Virginia and Maryland, in which he declared:

> Mighty and destructive have been the obstructions to our trade and navigation by that severe act [namely, the Act of 1663, reënacting and extending the Act of 1651], which excludes us from having any commerce with any nation of Europe but our own . . . and it is not lawful for us to carry a pipestave, or a bushel of corn to any place in Europe out of the King's dominions.

These Parliamentary restrictions were in direct violation of the charter rights of the Maryland colonists, who, however, evaded the law as best they could.[60]

A review of this period from 1689 to 1718 offers, besides the story of the persistent struggle for the principles of local self-government, a series of interesting phases of the advance in theory and practice in public and private business. Under Governor Nicholson a résumé of affairs in the colony was prepared for the Lords in Council. It stated that, besides the landowners of the Province, most of the inhabitants were "laborers employed in the flanking of tobacco, some coopers, carpenters, some few that navigate vessels, and a very small number of other artificers." The principal export was tobacco, with furs and sassafras roots. It was stated that the colonists shipped pork, beef, pipe staves, timber, wheat, flour to other colonies, notably to Barbados. This local traffic was carried by small Maryland or New England ships which traded in rum, sugar, molasses, fish, and New England-made woollenware. All woollen goods were imported from England, except a few coarse garments for servants and slaves made from Maryland wool. Trade, the report said, ebbed and flowed according to English prices for tobacco.

The above report probably minimized the extent of inter-colonial trade. The Lords of Trade were jealously solicitous about any increase of colonial commerce as well as the development of colonial manufactures: *e. g.,* they asked particularly "whether Somerset and Dorchester Counties do not partly employ themselves upon woolen manufactures." To which the Assembly made answer guardedly:

> This House do not know that Somerset and Dorchester Counties do employ themselves in woolen manufactures; but upon enquiry do find that heretofore when English goods for subsistance could not be had for any product of that place, some few persons out of necessity did attempt making of linen and woolen for support of nature, which they were reduced to by necessity, and without which many subjects had perished. And this House believe when any extremity falls on them or any others of this province the like preservation will be endeavored.[61]

In reply to the query whether inhabitants of Maryland were emigrating to Pennsylvania because of manufacturing there, the reply of the Assembly took occasion to enforce the need of currency in the Province and the comparative plenty in Pennsylvania. The Assembly was soon forced to apply for coins; for

when laborers and men of small means were paid in tobacco, it appears that payments were made but once a year, when the tobacco was ready. Some died "land poor," leaving much real estate but no direct assets, for, at this time, it appears that the lands passed to descendants and were not subject to sale in settlement of the personal debts of the deceased. For the first time, as social, political, and business dealings become more complex, we find recurrent references to the imprisonment of debtors, for example, during the session of 1707. Thomas Manning of Calvert County, an imprisoned debtor, petitioned the Assembly to have his estate appraised, delivered to his creditors, and himself set free. A bill was passed with this object in mind; and during the subsequent session an Act was passed for the relief of "poor debtors and languishing prisoners."

As previously seen, the leaders of the Established Church in Maryland, in their zeal for the creation of official forms, exceeded the desires and instructions of William and Mary and the British government. By way of summary the first Assembly under Governor Copley passed an "Act for the Establishment, in Maryland, of the Anglican Church." Additional acts were passed in 1694, 1695, 1696, which were especially opposed by Quakers and Catholics. In the meantime, the Bishop of London appointed the Reverend Thomas Bray as "Commissary" in the colony. Before setting out for America, Dr. Bray spent some time in England, during which period he was actively engaged in an endeavor to provide the parishes of the colony with ministers, libraries, and educational facilities. After the Crown had disapproved of the Act of 1696, he hastened to Maryland and helped to draw up a bill, which the Assembly passed in 1700. This bill was intended to be more acceptable to the British government, but it contained an objectionable clause that required the use of the book of common prayer "in every church or house of public worship." Although Dr. Bray returned to England to plead for the approval of the Act, the Attorney General disapproved of the bill as being too restrictive.

Subsequently, Bray was instrumental in framing a more tolerant act, passed by the March Assembly in 1702, which, with amendments, held good until the date of the Declaration

of Independence. Among its provisions this act regulated marriages and directed that the minister be appointed and inducted by the Governor. It forbade ministers to hold two parishes at the same time except by request or by agreement between the respective vestries of adjacent parishes. It prescribed toleration for all Protestant dissenters, whilst removing the political disabilities previously placed upon the Quakers.

That there was, in 1700, need for reform is shown by Dr. Bray's summary action in holding a formal "visitation" at Annapolis and the formulation of plans for disciplining those of the Anglican clergy who had disgraced their high calling. On his return to England Bray labored hard to secure a suffragan bishop for Maryland. The bill was defeated in Parliament, but while it was pending he bargained with Charles Calvert for five hundred acres of land for the support of the proposed bishop. Subsequently he named his successor; and the Bishop of London agreed with him that the Commissary should have the right to induct ministers, which had hitherto been the prerogative of the Governor. Thereupon Governor Seymour flew into a passion, out of which came another of those denunciations of conditions in the colony which, though evidently based on partisanship, have been quoted as truly indicative of the conditions of the day.[62]

In colonial days there were no professional alienists called upon to testify as to the mental attitude of the persons accused of crime; but it is recorded that physicians (chirurgeons) were summoned to testify as to the physical condition of the plaintiff or defendant. In the following early—if not the first—record of such testimony, the two experts in question issued so Delphic a declaration that, had the test they suggested turned out either way, they could have pointed to the result in justification of their diagnosis. It so happened that in 1698 Governor Nicholson sent several summonses to one Robert Mason to appear in court to answer charges of irregularity in his accounts of public funds. Mason, however, reported inability to attend because of "infirmity." On the strength of reports received, the Governor accused Mason of having "hypocritically dissembled Imbecility [infirmity] & Sickness, the better to colour his Contempts of several warrants & precepts," and that

His excellency . . . understands that he the said Mason hath had several consultations with Mr. John Cood & that [he] held his Cabals at Mr. Slys against this his Majestys Govt, & that it had appeared upon oath that he the said Mason was able to ride to Mr. Slys & to ride back at a great speed tho the said Mason had always pretended himself altogether uncapable to Come up to Annapolis to do his duty & pass his Acco^{t} as Treasurer of the Western shore.

In any event:

Mr. David Krieger & Mr. Zachary Allen Chirurgeons being sent for, came & were sworn to make a true Report according to the best of their judgment, whether riding on Horse Back would endanger the said Masons health, who report as followeth; Viz^{t}.

To ride on horseback a great way would have been very troublesom, if not very dangerous, but to ride on horseback could not endanger his Life

David Krieger, Dr
of the Iohn & Thomas
Zach: Allen

Whereupon the Sheriff of Ann Arundell County was Ordered to get an horse for Mr. Mason to ride round the Town & then to bring him again before this Board

Where being brought, the said Drs say that he has sustained no damage.[63]

Reference has been made to the difficulties that arose—both on the *Ark* and during the first settlement of the Province—between Father Andrew White and the pioneer physicians. Father White contended that the liquor prescribed by the "chirurgeon" did more harm than good. Those upon whom he urged his own example of abstinence therefrom fared better, he testified, than those in charge of the doctor. Unhappily, the rejoinder of the chirurgeon is not extant. As early as 1638, Father White urged the construction of a hospital in the colony. As far as may be ascertained, however, nothing of the sort was actually established until some sixty years later, when in 1698 a hospital was opened to patients at the "Coole Springs of St. Maries." This hospital was the first to be established or recognized in the English colonies, albeit the modern Bellevue Hospital of New York claims "descent" from a Dutch almshouse and hospital in New Amsterdam which was established in 1658.*

In 1695, a public post was established from the Potomac, through Annapolis, to Philadelphia. The postman was required to traverse this route eight times a year, receiving per annum for

*The Cool Springs hospital antedates the next older English established hospital by fifty-six years: *i. e.*, the Pennsylvania Hospital, founded in 1751. *Cf. The Second Hospital in the Colonies,* by J. Hall Pleasants, M. D.

his services fifty pounds sterling. This post route lasted about three years; but the British government established intercolonial post routes some fifteen years later. In 1697 complaint was made by the Governor that "there is great abuse intercepting and Imbezling peoples Letters in this Province."[64]

In the latter year, it was proposed "by the County of Somerset," for protective purposes, that Maryland should impose a tariff upon all manner of woodenware and fish, brought from New England and adjacent places; as, also, upon sugar and molasses imported by strangers. The Assembly, however, resolved that "it is not convenient to make such laws"; but in 1704 the Assembly passed an act putting a heavy tariff of ninepence a gallon on "rumm Spiritts Wine and Brandy imported by Land from Pensilvania into this Province."

At first sight, this would seem to be a movement in favor of temperance; but examination shows that the act was passed in conformity with the wish of Queen Anne, who desired the "inhabitants" of Maryland to make their own rum or import it by sea, rather than have it supplied from the distilleries of the neighboring colony. By additional acts, tariffs were imposed on a number of other articles which Maryland was accustomed to import from Pennsylvania.[65]

Whether the royal rule was good, bad, or indifferent, as compared with that under Charles Calvert, the colony enjoyed extraordinary prosperity. Its population doubled in the first fifteen years of the Eighteenth Century. The following table, adapted from Chalmers' *American Colonies,* with the colonies given in order of population, gives Maryland third place in 1715, as follows:

	WHITE MEN	NEGROES	TOTAL
Massachusetts	94,000	2,000	96,000
Virginia	72,000	23,000	95,000
Maryland	40,700	9,500	50,200
Connecticut	46,000	1,500	47,500
Pennsylvania	43,300	2,500	45,800
New York	27,000	4,000	31,000
New Jersey	21,000	1,500	22,500
South Carolina	6,250	10,500	16,750
North Carolina	7,500	3,700	11,200
New Hampshire	9,500	150	9,650
Rhode Island	8,500	500	9,000
	375,750	58,850	434,600

At this time,

The general industry [of Maryland and Virginia, says Scharf] supplied Great Britain with 25,317,981 pounds of tobacco, of which were afterwards exported 17,142,755 pounds, leaving 8,175,226 pounds for domestic consumption. Without considering the revenue which the British government acquired from duties, etc., these figures show that these two colonies alone were of greater commercial importance to the mother country than the other nine provinces combined.

CHAPTER VI

Self-government or Consolidation

To promote the happiness of the community, by making our own private interests give way to the public advantage, is noble and honorable, and the duty of every friend and lover of his country.—Citizens of Talbot County.

Charles Calvert, third Lord Baltimore and dispossessed Proprietary, died February 20, 1715, at the advanced age of eighty-five. He was immediately succeeded by Benedict Leonard, who had publicly renounced the Roman Catholic faith. Benedict, however, lived but a few weeks in which to enjoy his title and make contest for the restoration of the proprietary rights of which his father had been deprived. He died on April 15th of the same year, the title descending to his son Charles.

When he became the fifth Lord Baltimore Charles was but sixteen years of age. Upon representations made to George I the Palatinate was restored to him under the terms of the original charter. The news of the restoration caused no great commotion in Maryland. Under the young Proprietary and his guardian, Lord Guilford, Governor Hart was, for a time, continued in office. Hart, like Seymour, was easily responsive to popular alarms and governmental reactions against the "Papists." Subsequently to the uprising in Ireland and Scotland in favor of the Pretender, some foundation for these alarms was furnished in the proposal to ship overseas, largely to Maryland, the political prisoners who had been captured in battle or who were held after the collapse of the rebellion. Hence, the partial carrying out of this proposal gave the agitators opportunity to recommend and secure severe discriminative legislation against the Roman Catholics, in which persecution the Quakers were disposed to join, special steps having been taken to remove

disabilities from the latter, even though they had criticized prelacy almost as much as papacy.*

The agitation against Roman Catholics was considerably enhanced by the actions of overzealous Catholic sympathizers, who after loudly drinking the health of the Pretender and the new Lord Proprietor, proceeded to the fort at Annapolis and fired a salute "with government guns."[2] Furthermore, according to the address of the Assembly of 1716, these Papists had not only drunk to the Pretender as "King of Great Britain," but had "audaciously cursed his most Sacred Majesty, King George." In consequence of these things, the Assembly, meeting on July 17, 1716, passed stringent oaths of "allegiance to the King," of "abhorrency" against the supremacy of the Pope, and "abjuration" of the claims of the Pretender. No person who refused to take these oaths was to be capable of exercising any office in the public service. After the arrival, in 1717, of the first shiploads of the political prisoners who had been concerned in the Mar and Derwentwater uprisings in Scotland and Ireland the legislation against Roman Catholics was made even more drastic; *viz.:*

> That all professed Papists whatsoever, be, and are hereby declared incapable of giving their vote in any election of a delegate or delegates within this province, either for counties, cities, or boroughs, unless they first qualify themselves for so doing by taking the several oaths appointed to be taken.

Previously, when the restoration of the Proprietary had been announced in 1715, the Roman Catholics of the Province made an effort to regain their lost rights and privileges. Governor Hart, in his address before the Assembly of 1720, reported on this effort as follows:

> But so soon as his present sacred Majesty condescended to restore the new Lord Proprietary (on his professing himself a Protestant) to his hereditary

*From time to time the authorities, although strongly Anglican, were especially considerate in providing for the Quakers. In 1715 an address, received from the "People called Quakers," was read in the Upper House. The paper recited that for forty years this sect had held yearly meetings in Anne Arundel and Talbot counties without molestation until lately, when they had been greatly disturbed by those who sold liquor near the meetings. The result was that "great Evills and Immoralitys had been committed by Drunkness, fighting, Hooping, hallowing, Swearing, Cursing, Wrestling, Horse-Racing, and abundance of wickedness and Immoralitys." The Council ordered that no liquor be allowed to be sold or booths set up, within two miles of these meetings, except at a licensed ordinary, and that no one should disturb the "said people called Quakers," an action that was subsequently supported by the Lower House.[1]

government, the Papists instantly laid in their claim to be also restored to their former pretended privileges, which, when offered to me for my approbation by their principal agent [Charles Carroll], was dismissed with the answer I would oppose it to the utmost of my power.

As the prerogatives of Charles Carroll's office clearly encroached upon those of His Excellency, Governor Hart was personally interested. He at first threatened to resign, but realizing that he could attack Carroll through the medium of the test oath and the recent discriminatory laws he chose that method. Carroll, summoned before the Council and asked to explain why he should not be subject to a heavy fine for attempting to assume office without swearing to the prescribed oaths, replied that no explanation was necessary; that the Proprietary had appointed him as his "chief agent in the Colony" and "Escheator-General"; and that his lordship had made no reference to religion or oaths. Thereupon, the Lower House united with the Governor; and, together, these protests prevailed; for during the rest of his term Governor Hart steadfastly resisted any efforts of the Roman Catholics to obtain office in the Province. He described Charles Carroll as

a professed Papist, and the first fomentor of our late Disturbances, who having acquired a vast estate in the province by the offices he formerly employed, and his practice in Law . . . must needs add the Ambition of Rule to his former Felicity.

However, Carroll took his plea to England; he was restored to the exercise of his office; while in 1720 Governor Hart was replaced by Captain Charles Calvert, a relative of the Proprietary, and the restrictive legislation against the Roman Catholics was allowed to lapse or was not regularly enforced. In fact, says Scharf, himself a Roman Catholic commentator, the appointment of Charles Calvert "ended, for a time, all religious feuds."

At the death of Governor Charles Calvert in 1726, the Proprietary appointed Benedict Leonard Calvert in his place; but the newly appointed executive was in ill health and was forced to return to England five years later. He died *en route* and was succeeded by Samuel Ogle. It was during the brief term of Benedict Leonard Calvert, however, that the broad fundamental questions or principles of the rights and privileges of the Assem-

bly and the people came up most prominently for discussion. This was in respect to the oath that the Lower House drew up for the judges or "justices" of the Province. Under Governor Charles Calvert the form of the oath had been in debate between the House of Delegates and the Council.[3]

> The Council [declared the Burgesses], should not wait to advise his Lordship until they found out his wishes, unless they sought his Favour and consulted his Pleasure, rather than his real Interest.

The debate that ensued in 1728, subsequently to the receipt of the Proprietary's disapproval of the form of the oath, is of exceptional interest and brought into favorable notice the Maryland barrister—one of the leaders of the American bar of pre-Revolutionary days—Daniel Dulany, "the elder." This discussion marked the beginning of the great political debates which continued up to the time of the Declaration of Independence. The Maryland colonists demonstrated in a most remarkable manner a belief in the idea that eternal vigilance is the price of liberty.

The justiciary oath, prescribed by the Assembly, was set forth as follows—the parts of special significance being italicized:

> You shall Swear, That, as a Justice of the Provincial Court of Maryland, in all Articles of His Lordship's Commission to you directed, You shall do equal Law and Right to all the King's Subjects, Rich and Poor, according to the Laws, Customs, and Directions of the Acts of Assembly of this Province; and where they are silent, according to the Laws, Statutes, and reasonable Customs of England, as have been used and practiced in this Province; and not delay any Person of Common Right, for any Cause or Pretense whatsoever.
>
> *And in Case any Letters shall come to you, contrary to Law, that you do nothing by them, but cause them to be entered on Record, and certify the King, the Lord Proprietary, or the Governor, for the Time being of them; and proceed to execute the law, notwithstanding said Letters, etc.*[4]

On October 7th Dulany, a member of the Committee on Laws, reported, in part:

> We take it as a Truth, not to be denied, with any show of Reason, That the Benefit of the Laws of England, as well Statute as Common, is the undoubted Right of the People of Maryland, and that their Representatives could not be guilty of any Thing more destructive to the Rights and Liberties of Those who have intrusted them, more inconsistent with their own Duty, or more base and treacherous, than to give up, or consent to impair or lessen that Right.

. . . Your Committee [continued the report] beg Leave to observe, That the words of the Statute of Eighteenth of Edward the Third, which was made near Four Hundred Years since, and has continued ever since without Alteration, are, That ye deny to no Man Common Right, by the King's letters, nor none other Man's.[5]

This was followed by the Address of the House as a committee of the whole, illustrating, as it were, the importance the Burgesses attached to the subject. After expressing concern that there should be differences "between his Lordship and his Tenants," they disclaimed that they had furnished any occasion for conflict,

unless a firm attachment to the Interest and Welfare of their Country, and a fixed Resolution to hand the same Rights and Liberties which they derive from their Ancestors, and the Laws of their Mother Country and this Province, pure and undefiled, to their Posterity, be such. *If these be Causes of Difference, we hope they will never cease.*

In so asserting the basic principles of liberty set forth in previous centuries in Britain the Burgesses of the Maryland Assembly may be termed conservative as well as progressive. They were conservative in going back to the statutes of Edward III and progressive in developing the all-important principle of local self-government as the surest way of maintaining their liberties under changed conditions in the New World. Also, it should be borne in mind that the Burgesses sought to gain their points by legal processes. They had learned to practice a rare degree of self-control; they would become rebels or revolutionists only when forced so to do in order to preserve the principles of freedom and self-government. They were neither radical nor reactionary in either their acts or their attitude. That they were opposed to radicalism is aptly illustrated by the fact that during the very session in which the Burgesses were prepared to show a united opposition to alleged encroachments by Council, Governor, Proprietary, King, or Parliament, the Lower House joined with the Upper House in expressing gratitude to the Governor in that he had called their attention to a revolutionary notice posted in Prince George's County. This broadside called on the people to meet at Queen Anne on a certain date, *suitably armed,* to assert their rights and secure redress of wrongs alleged by the complainants.

Toward this manifestation of mob action the "addresses"

of Upper and Lower Houses were alike in the matter of reproof; yet the two were significantly different in the expression of this reproof. The Upper House declared the Governor's notification "an Evidence of his great Goodness and particular Condescension, in communicating to us the Dangerous practices, which have been secretly carried on, and now publickly avowed, by some audacious and designing Persons, against the Freedom of Legislation, if not worse designs." The Burgesses declared, on the other hand, that "The Love of English Liberty is too prevalent in our Breasts to suffer us to be silent on this Occasion"; but that they also desired further information, whilst they offered hearty coöperation in an endeavor to "detect the authors of such designs as are contained in that scandalous paper."[6]

The agitation referred to was in connection with the "low condition" of the tobacco trade. For one thing, the shipping of much "trashy" tobacco had injured the reputation of the Province and of its output; in addition, the market appeared to be overstocked, whilst demand and prices fell. Evidently there had arisen a cry for a reduction of acreage. In his inaugural address (1731) Governor Ogle declared that he was "heartily concerned for the calamitous Condition of the Country is in, occasioned by the Decay of its Trade and the Lowness of its Staple," expressing the opinion that matters had been aggravated rather than helped by the lawless proceedings of certain "Cutters up of Tobacco Plants"—apparently the prototypes of the "night riders" of Kentucky in our own times. In any event the Lower House thanked the Governor for having quelled the late "tumult."*

In 1732 Charles Calvert, fifth Lord Baltimore, arrived in Maryland. He considered his presence necessary in the Province, chiefly on account of the dispute with the Pennsylvanians over the boundary; although there were other matters that called for his personal attention during his brief visit. As previ-

*As the colony expanded, the House of Delegates was developing methods of expediting its work and fixing its customs and procedure. By 1731 it had four regular committees: (1) On elections and privileges; (2) on laws, of which Daniel Dulany was chairman; (3) on accounts, and (4) on "aggrievances" and Courts of Justice. Furthermore, the House began to record the votes of the members by ayes and noes.

ously indicated, doubt as to the determination of the boundary between Maryland and Pennsylvania had led to considerable border lawlessness. Some of the settlers on the debatable ground became active partisans of one side or the other. Others did not care who the proprietary was so long as they could avoid taxes and obligations to either government. One of the loyal supporters of Lord Baltimore was Thomas Cresap, who, in defiance of the Penns, had constructed a block house near the Susquehanna on the fortieth degree, the northern limit originally claimed by Lord Baltimore. Here he was literally surrounded by the adherents of John, Thomas, and Richard Penn, sons and successors to the Founder of Pennsylvania.

Amid much conflicting testimony as to the activities of this picturesque frontier trader and hunter, who was known to the Indians as "Big Spoon" because of his open hospitality, it is clear that he incurred the active enmity of the Pennsylvanians. The latter invaded the block-house outpost of the Marylander and threatened to hang him. Cresap escaped this peril to have his house subsequently set on fire and the inmates shot at as they fled from the flames. Wounded, Cresap and four others were captured and taken to Philadelphia. Despite his wounds and the imminent danger of the gallows—for he was charged with killing a Pennsylvanian—Cresap coolly complimented the people of Philadelphia by exclaiming: "Why this is the finest city *in the Province of Maryland.*"[7]

Upon hearing of this affair, which took place in November, 1736, Governor Ogle dispatched Edmund Jennings and Daniel Dulany to Philadelphia to demand reparation and the release of Cresap and his men. The Pennsylvanians refused to comply, and Governor Ogle ordered reprisals. Consequently four of the German settlers of Pennsylvania were seized and carried to Baltimore, which town had then been established. The Pennsylvanians endeavored to avenge this act, and border warfare was on in earnest, with the cognizance of both governments, although not openly supported by either in regular array under rival colors.[8]

The early progress of the boundary dispute between Lord Baltimore and William Penn has been reviewed in a previous chapter. At that time Penn had led the third Lord Baltimore, or rather his agents, into admissions not based on geographical

facts. Ultimately the fifth Lord Baltimore was deceived by the pretensions of Penn's heirs and successors, as will be seen below.

Just before the fifth Proprietary left England, he had drawn up an agreement with the representatives of the Penns in respect to the method of settling the boundary question. In so doing he surrendered his proper charter claims for something which, on account of an inaccurate map, proved to be a far greater concession than he had intended. Since, however, a complete and detailed account of the proceedings would be out of place here, and since that is treated exhaustively and accurately by Professor Mathews in the seventh volume of the Maryland Geological Survey, suffice it to say that the agreement provided that the east-west line constituting the southern boundary of Delaware should begin at the point called Cape Henlopen lying south of Cape Cornelius.[9] The line was then to run to the middle of the Eastern Shore peninsula, thence to the north until it touched on the west the much discussed "circle drawn at a distance of twelve miles from the town of Newcastle." From there the line was to be run due north until it reached the latitude fifteen miles due south of the most southern part of Philadelphia. Thence the line was to go due west and was to constitute the boundary between Maryland and Pennsylvania. Upon this map the true Cape Henlopen was called Cape Cornelius; about fifteen miles down the coast, a point now known as False Cape was wrongly marked Cape Henlopen. In addition to this evidently intentional dislocation of names all standards of measurement of latitude and longitude which might have "arrested the attention of Lord Baltimore" were carefully omitted, whereas the lines proposed for the demarcation of the boundaries of Maryland on the one side and Delaware (the "three lower counties") and Pennsylvania on the other were distinctly drawn in red ink—lines that began on the east at the point *called* Cape Henlopen, but which was really False Cape some twenty miles to the south.

While the Founder of Pennsylvania appears to have employed considerable ingenuity, if not dissimulation, in securing a large slice of Maryland territory from the representatives of the third Lord Baltimore, the successors of William Penn were even more unscrupulous in deceiving the fifth Lord Baltimore in person. Undoubtedly the fifth Lord Baltimore should have

known better. He had every opportunity for informing himself correctly. In any event, shortly after he had signed the agreement with the Penns Charles Calvert visited Maryland, and it was not long before he was informed of the inaccurate map and of the blunders he had made in signing the agreement. When he came to realize the extent of the territory he had thus sacrificed he refused to carry out the stipulated terms. Hence, in 1735, the Penns instituted legal proceedings in the courts of England to enforce compliance upon the part of Lord Baltimore. These proceedings, owing to delays in chancery and the death of one of the Penns, dragged their weary length along until 1750, when a decision was reached. This was rendered by Lord Chancellor Hardwicke, who sustained the claims of the Penns in every particular, chiefly on the ground that Lord Baltimore had entered into an agreement and was supposed at the time to have known the bounds of his province. Furthermore the decree provided that commissioners should be appointed and the boundary promptly surveyed. The following year Charles Calvert died; and, during the minority of his son Frederick there were further delays in the marking of the boundary. Finally, Charles Mason and Jeremiah Dixon, two astronomers and mathematicians of England, were engaged to survey and mark the boundary. They began their survey in 1763 and ended their labors in 1767, when their westward course was stopped by the objections of Indian escorts, who had no authority to go beyond a certain point, which, unfortunately for Maryland, fell far short of the longitude of the "first fountain" of the Potomac. During that time the surveyors had proceeded approximately two hundred and thirty miles. They marked the line by means of hewn stones set up at every mile, while at every fifth mile still larger stones were placed, having on one side the arms of Lord Baltimore and on the other the arms of the Penns. The line was made distinct by cutting down trees throughout a broad strip half to the north and half to the south thereof. The work thus begun by Mason and Dixon was subsequently completed under the supervision of Andrew Ellicott, who with L'Enfant planned the city of Washington.

It is appropriate at this point to associate with the foregoing discussion the fact that Maryland lost another large tract of territory—this time to its neighbor on the south—through

ignorance of topography. As stated in the Charter, Maryland's western boundary was to be fixed at the "first fountain of the Potomac," by which was meant the farthest reach of the longest branch of that river. After the boundary had been decided upon as the southern bank of the north fork, it was discovered that the south fork was the longer, so that Maryland was entitled by the original terms of its charter to the land lying between the two branches of the river, or a large section of what is now West Virginia. In 1771 Thomas Cresap made the first actual examination and survey of both branches. This survey showed clearly that the south fork led to the "first fountain of the Potomac"; but eighty years later we find the General Assembly finally and formally relinquishing in favor of Virginia the claims of Maryland to this extensive territory.[10]

With regard to this period—so largely taken up with the French and Indian Wars—sundry American historians have accused Maryland of being unduly backward in furnishing her share of men and money in the defense of the English colonies against the common enemy. The statement that Maryland was comparatively inactive is technically correct; but the impression created is inaccurate. That Marylanders, when they felt free to act, were not lax in carrying out their military obligations in a matter of common defense is shown by their unsurpassed, if not unique, response to the call for troops and service on all fronts through the whole period of the American Revolution. The record of Massachusetts, for instance, whose citizens so promptly sprang to the defense of colonial freedom, when their own firesides were immediately menaced, bears no comparison to the contribution of Maryland when it came to fighting on all fronts for the Confederation.

During a great part of the French and Indian War period, Maryland contributed comparatively little toward any organized campaign. In the early years of that series of intermittent and almost continuous struggle, which lasted from 1690 to the fall of New France in 1763, the Maryland Assembly showed its fear of the consolidationist policies of the colony of New York and the general desire of the consolidationists to unite the several English colonies into three or four large districts for governmental as well as military purposes. In the face of this threat

the Maryland Assembly contributed reluctantly to the campaigns in the North and flatly refused to vote supplies when these were to be forwarded to a colony, the government of which had openly declared for the subordination of the middle provinces in the manner indicated. And so passed King William's War and that under Queen Anne from 1702 to 1713.

At the end of the period of peace which followed the latter war, new conditions had arisen. Except for a faction supported by royal governors, the American threat of the amalgamation of the smaller colonies into the larger had died down. The new danger was the fear of domestic oppression within its own borders and the loss of the privileges of self-government. This threat was regarded by Marylanders as being more of a menace than Indian forays and French successes in the North and West. The men and means voted to win a decisive triumph under the lead of the provincial governor might give the executive opportunity and power to override the people. That this was possible was perceived in all the colonies subsequently to the fall of New France. It was a French statesman who, at the close of the war, prophesied:

> England will soon repent of having removed the only check that could keep her colonies in awe. They no longer need her protection. She will call upon them to contribute toward the support of burdens they have helped bring upon her; and they will answer by striking off all dependence.

In one sense, at least, events proved that Vergennes was right; but if we examine the nature of the "fierce spirit of liberty" that animated the majority of the American colonists from Massachusetts to Georgia it would appear that they would have revolted against interference with self-government even with the alien foe at their doors. Certainly this was true of Maryland. The Maryland Assembly could not in connection with the discussion of voting supplies, too publicly express these fears of tyranny; but the delegates perceived that in the increasing indifference of the last two proprietaries, who had become little more than absentee landlords concerned primarily about their revenues, lay imminent danger to the prerogatives which they had enjoyed and which they hoped to leave to their posterity. They were thoughtful men who grew increasingly skillful in maintaining

their rights. In the governors appointed by the Proprietary they saw agents who were concerned primarily for the interests of those who appointed them—men who represented not their own choice but the landlord and the British authorities across the seas. Hence, all possible precedents as to the exercise of executive functions were jealously guarded against, even when such exercise might be, or was, employed in their own defense against alien enemies. It was because of these considerations, and on account of them alone, that the Maryland legislators determined so to vote grants of supplies that each grant would carry with it an assurance of their liberties. The Governor, and usually the subservient council, was equally earnest in attempts to establish autocratic precedent; and the executive was occasionally able to take advantage of times of stress to carry his point. Executive after executive tried to trap the Assembly into admissions, concessions, or simply the ignoring of conventions; but the legislators were never once caught off their guard, although they had occasionally to ignore an accomplished fact which they could not undo without proceeding to open defiance or actual rebellion against constituted authority.

The struggle with Governor Hart was an interesting one; it was extended under the first term of Samuel Ogle, and became especially acute under Governor Bladen. The appointment of Bladen as the first native Governor of Maryland might have been expected to usher in a period of harmony; but quite the reverse was the case, and it was under Bladen that the quarrel at times degenerated into an exchange of personalities. At first, the governors punished the Assembly by summarily proroguing it. In time, however, the Assemblies found this "punishment" a not undesirable thing, especially when they had to face a demand for appropriations, the objection to which exceeded their desire for the passage of measures of their own. Hence, they came rapidly to a period where the Assemblies asked, or actually demanded, that the Governor should dismiss them. An excellent illustration of the latter may be cited in regard to the session of December 22, 1747, especially called "to obey his Majesty's command." The Assembly flatly refused to vote any supplies for the King's forces in New York, even for the Maryland troops, the delegates declaring that the expense of maintenance in the field should be "laid before the Parliament of Great

Britain, that provisions may be made" for payment. Having thus set forth their views with evident finality, the Assembly declared:

> As no further business lies before the House, we pray your Excellency will please put an end to this meeting.

Immediately, however, the Council sent a message to the Lower House on the state of affairs and prayed that the Assembly would redress certain "aggrievances," in which many of the delegates had, no doubt, a personal interest. This was evidently a bait to the Lower House to keep them in session and at least establish a charge of inconsistency against them. The Lower House was not interested in the proposal for a flattering "conference" on the subject; so that the Governor was compelled to dismiss the Delegates, after a special session of a day and a half, which was utterly fruitless, despite the urgent dispatches from George II and the Duke of Newcastle.

In time the Proprietary governors, despairing of forcing the Assembly to carry out their demands, and finding that they were not getting results gratifying to the authorities in Great Britain, began systematic efforts to build up a faction in the Lower House that would be favorable to the executive. Members who responded readily or were recognized as dependable were promoted to various offices in the Province; for example, Governor Sharpe, under date of March 12, 1755, wrote to Lord Baltimore's secretary: "I commissioned one Mr. Hopper, a gentleman who had behaved very well in the Assembly." In the same letter, Governor Sharpe referred to the proposal of his Lordship that "the members of the Lower House, or their Families, may have share of his favours, as thereby their virulency may be abated." On the other hand Sharpe shrewdly suspected that, after all, "his Lordship favoring such Gentlemen will never gain him the love *of that infatuated collection of society*"—the membership of the Lower House.

Perhaps the best specific illustration of the attempted (and partially exercised) tyranny of the royal governors and their successors, the later Proprietary executives, is that of the persecution of Philip Clarke. His case may properly be taken up at some length in that his differences with the government began almost at the inauguration of royal control; because the

controversy had little connection with the French and Indian Wars, with the imposition of taxes, or with any matters extraneous to the simple yet fundamental one of local self-government; and also because his case had been singularly neglected by Maryland historians.

In scanning the Archives of Maryland during the last decade of the Seventeenth Century one is struck by the frequent references, in sundry volumes, to this Philip Clarke. The earliest mention of Clarke is in connection with the "Revolution" of 1689. With respect to that movement, he first is recognized as a member of the committee for "regulating the affairs Civill in the Citty of St. Mary's." After the advent of the first royal Governor, he appears in the Lower House of the General Assembly. Immediately, he becomes active in the drafting of laws of the Province, especially in urging a bill for the punishment of persons convicted of suborning witnesses.[11] On several occasions, subsequently to the short régime of Lionel Copley, Governor Nicholson called upon Clarke for legal advice. In the first instance, Clarke declared for Nicholson against the usurpations of Governor Andros, Nicholson's irregular predecessor *ad interim,* to whom Clarke, subsequently persecuted by Nicholson, was destined to appeal for an asylum in the Old Dominion.* This first decision and an immediately subsequent one greatly pleased Governor Nicholson, who had Clarke, George Plater, and George Layfield sworn in as deputies and notaries under Sir Thomas Lawrence. Evidently, Clarke was to be a complaisant instrument of the newly established royal government, for he decided one of his first county cases in favor of the King. In 1695 Clarke becomes a figure of especial interest to the historian, in that he was one of those appointed to examine the public documents and papers at St. Mary's to select those that should be moved to Annapolis.[13]

The above incidents, however, marked the end of the period in which Clarke had smooth sailing. Shortly thereafter, life became nothing but a stormy struggle until, weakened and incapacitated by imprisonment, he was released to go to his grave. First of all came disagreements with his associates Plater and Layfield. It is impossible to tell who was right. The public af-

*Clarke and his associate lawyers in the Assembly declared that Andros's action had been usurpation and that all legislation under him was void.[12]

fairs of the Province at this time were hopelessly tangled in a mesh of conflicting interests, comparable only to conflicting appeals confronting Maryland and Virginia colonists a half century before. There were the interests of the Crown, and the interests of the colonists striving for self-government; and within these parties were private factions, Lord Baltimore's land agents collecting his fees against the efforts of Lawrence to collect his own salary as royal secretary. In the controversy between Lawrence and Lord Baltimore's agent, as to authority and emoluments, Clarke supported the former; in the controversy between the Assembly and the Council he supported the Assembly. In the summer of 1695 we catch sight of Clarke in association with Robert Mason in going security for Captain Thomas Meech to the amount of £3,000. Captain Meech borrowed from Thomas Tench a number of guns and armed his sloop the *Speedwell* for cruising up and down the bay in the effort to suppress illicit trading. Unfortunately for Clarke the *Speedwell* was found not long after with "one man dead and another man almost dead." The captain had been missing, "supposed to be drounded." Clarke appears in an attempt to collect the assets of the deceased captain; and possibly some of his later troubles began with the debt thus incurred. In this same year, however, he is on record as trusted legal consultant, deciding with Carroll and others the scope of the Assembly's powers in certain difficult questions. At any rate, Clarke pathetically refers to the period just reviewed as his happy days—days that suddenly came to an end through the action of Governor Nicholson, who, in the summer of 1696, summoned Clarke to drop his successful attorney's work and become a justice of the Provincial Court. Clarke tried to escape a duty in which he may have foreseen direct clashes with the Governor; he pleaded the need of income from his accustomed practice for the support of his family; but, possibly fearing the resentment of Nicholson, he finally yielded. Subsequently, in his appeal to Governor Andros for refuge under the government of Virginia, Clarke states that a few months after he had been appointed Justice of the Provincial Court by Nicholson, the latter had turned against him. He stated that the only cause he knew for this change was that he (the petitioner) had refused to grant a judgment against Colonel John Coode contrary to law. Of Nicholson, he

said that for four days together he did "come down to the Provincial Court and sit there in his proper person, where he did endeavor to prove your petitioner guilty of some crime that might deserve imprisonment, but the evidence after all his threats not swearing as he desired was disappointed of his design"; and that on the fourteenth day of this December, Governor Nicholson dismissed him as justice and forbade his practising in any court of the Province. He also asserted that a proclamation was issued, offering £20 to anyone who would swear that Clarke had incited rebellion in St. Mary's County.[14]

In the course of this controversy, Governor Nicholson made indignant denial of arbitrary action, to which denial were attached the signatures of the members of the Grand Jury. The reply stated that Clarke's charge of prejudice against the Governor was "most invectively false and untrue," as were all the other charges. On the other hand, the Governor admitted having visited two days at St. Mary's, which, he declared, was not with a purpose to threaten anyone, but to prevent possible disorder. Just why the denial contained the bald and apparently untrue statement that Clarke was "not Judge of the said Court" is not clear.*

Although thrown off the Bench and excluded from practising before the Courts, Clarke did not lose the confidence of the people of St. Mary's County, for he was chosen to represent them in the Assembly which met in the spring of 1698; and here begins, in colonial Maryland, a sacrificial struggle of an individual against arbitrary power which bears comparison with that of Sir Edwin Sandys under James I, or of Hampden and Pym under Charles I. On the 12th of March, 1698, we read:

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*The available evidence (chiefly circumstantial) seems to sustain two out of three of Clarke's main charges, while the third charge may have been based on a mistaken report of a "proclamation" which was apparently not produced and which the Governor said he had not even issued, although he did issue a warning against disorder which may have furnished a basis for misunderstanding. In fairness to Governor Nicholson, it must be said that he offered *"if the laws of the Country would permit them"* to allow Clarke and Coode "or as many persons as they could Procure for to goe to England to make their Grievances Known and manage what Complaint they thought fitt against him; [that] he would freely give them his Passe to goe . . . and fifty pounds Sterling out of his own pocket to help bear their charges."[15] On the other hand, Nicholson may have known the offer could not be accepted, or that he thought this was a good way to rid himself of trouble.

[the delegates] resolved themselves in to a grand Committee of the whole house and choose Mr. Phillip Clarke chairman thereof.

One of the very first things that this committee did was to ask the House to send a message to the Governor to the effect that it was not convenient and

consonant to the rules of Parliament and assemblys that your Excy should be here while the house is sitting.[16]

The Delegates then formally complained about the Governor's action in disbarring

several attorneys without trial or conviction of any crime, the Government never pretending to any such power before from the first seating of this province and therefore desire that the house would move his Excy the Govr that the said opinion . . . may be publickly burnt by the Sheriffe of Ann Arundel County.

Since George Plater, William Dent, and Robert Goldsborough, known as the King's Council at Law or "the King's Lawyers," had advised the Governor that he could call any attorney before the Council and disbar him without further trial, the House sent for these lawyers and publicly called them to account.[17]

The Governor referred the House to the Lords Commissioners for trade and foreign plantations and announced the restoration to his practice of Clarke's colleague, Mr. Crawford, not, however, because of doing him justice, but because of the receipt from England of the joyful and happy news of the peace. He then asked the Assembly if all of their members were "privy and consenting to" the above-mentioned address, to which the House replied:

We shall proceed no further than by leaving our vote upon our Journall to assert that Right and Liberty which before this time was never Questioned from the very first seating and Inhabiting of this Province,—as to your Excy demand whether all the members were privy and consenting to our address is so unparliamentary that we must beg your Excy to excuse our not answering.[18]

On the 3d of April, 1698, the Assembly was prorogued until the 3d of May ensuing, the Governor taking occasion to warn the Speaker that he had violated his oath in permitting too much freedom of criticism. He also asserted that the Assembly la-

bored under the false impression that the delegates had "an Arbitrary and unbounded power." A few days later Governor Nicholson inaugurated an unusually high-handed investigation of Clarke's personal affairs. He sent for Henry Phillips, Clarke's servant, and questioned him under oath as to his master's affairs, Phillips evidently being one of the educated bond servants working out his transatlantic passage. From Phillips the Governor believed he got sufficient evidence to discredit Clarke, and he took pains to spread the report among Clarke's constituents that Clarke was making unwarranted expense charges against the public funds. On April 14th, eleven days after the prorogation of the Assembly, Clarke was sworn before the Council and interrogated as to a series of charges made by Gerrard Slye in England against Nicholson's government. Of most of the matters Clarke declared he knew nothing, but the subject was pursued by Nicholson for several days in the summoning of sundry witnesses. Early in July Philip Clarke and three others were ordered under arrest: *viz.,* John Coode, Robert Mason, and Gerrard Slye, all of whom, it may be added, were related by marriage. Coode was reported "fled" to Virginia, Clarke "absconded," and Mason was "languishing."*

The colonists were deeply stirred by Nicholson's arbitrary actions. There was talk of open rebellion with rumors of the deposition of the Governor by the King. At least one woman took up arms while the men protested; and sundry other women were outspoken for resistance. When the Governor's deputies went to arrest the "languishing" Mason it was reported by them that "the said Masons wife took a drawn Sword in her hand & swore she would be the death of them that touched her husband." The posse appears to have retired. Mrs. Clarke, on the other hand, used no weapon but her tongue; but with that she spared neither the Governor nor the deputy who had replaced Mason in office. It was reported she "wished she had the Governor's heart's Blood cold in her hand, & that she got a Spit for Colonel Low, & hoped to see an overturn before Christ-

*See physicians' report, *supra,* p. 221. When brought before Nicholson, Slye behaved in "a proud Scornful manner, & setting his Arms on Kimbow, told his Excellency he hoped he should be used like a Gentleman, and Clapped himself down in a Chair over against his Excellency," whom he addressed as "Mr. Nicholson" till corrected. He declared he had "done nothing but what he will own & Justify what he was commanded to do by the Secretary of State."

mas day." Deputy Young met with violent resistance from a Mrs. Wilson, whose horse he attempted to seize for the Governor's business, also from a shipmaster whose ship and hands he attempted to use, and who denied the Governor's right to seize private property. Clarke was finally taken into custody, although he refused to surrender voluntarily under the Governor's proclamation, and punishment of Mrs. Clarke was suspended when it was reported that she was ill. The Governor declared Clarke was a "mighty pretender to Law; especially to Magna Charta; For he was one of the great Incendiarys in the house of Delegates" and that "in his pleading he is very confident, impudent, and balling." Consequently, on August 27th Clarke was brought before the Governor at Annapolis, who said that "it appeared to him and his Majesty's honorable Council by many depositions that he, John Coode, Robert Mason, and Gerrard Slye had endeavored to raise a disturbance in the Province even tending to rebellion."[19]

From the scant records it is extremely difficult to gather a connected story of the trial, which resulted in the apparently arbitrary and unjustifiable imprisonment of Clarke. It is equally difficult to follow or understand Clarke's petition for release subsequently to his being turned over to the custody of the sheriff at Annapolis. The petition is a "confession" of error, a confession which is quite unlike Clarke; but which may have been extorted from him on account of his desire to return to his wife in St. Mary's County, who was not only reported to be desperately ill, but, with their children, was perhaps in real want; for Clarke particularly prays for release from his fine as well as from his bonds. His petition was not granted, although Slye, upon delivering up all correspondence with his associates after a similar "confession," was pardoned and put on bail; and three days later Mason was released on the same terms.*

Evidently Governor Nicholson had a reason for holding Clarke and letting the others go. Apparently it was a tacit acknowledgment on the part of the Governor of Clarke's superior ability. In any event, he was generally recognized as the leader of the popular opposition to Nicholson's attempted or actual exercise of arbitrary authority; for when the Assembly next met, on October 24, 1698, Clarke was again elected as a

*_Archives_, Vol. XXII, p. 210; Vol. XXIII, p. 531; Vol. XXV, p. 20.

delegate from St. Mary's County. In order to prevent him from giving counsel to the Lower House, despite his confinement, the Governor two days later ordered the sheriff to "set a Guard upon the Prison that no person be Suffered to discourse with Mr. Philip Clarke to prevent his subtle insinuations," and it may be noted that James I had ordered the confinement of Sir Edwin Sandys, M. P., in similar fashion, whereupon it was recorded in the Commons Journal that the House "Misseth Sir Edwin Sandys. Moveth we may know what is become of him"—a resolution remarkably paralleled by Burgesses of Maryland in the following "address" to the Governor:

> It being evident to this house that Mr. Philip Clarke, one of the members thereof, is now detained in prison, inquiry was made of the sheriff by what precept and for what crime the said Philip Clarke was by him detained.

To this the Sheriff replied "that he was detained by virtue of a *capias ad satisfaciendum* for six thousand pounds of tobacco due to the King; but," so reads the rejoinder of the Delegates, he could produce "no such precept," and having examined former precedents we "do find that no member ought to be restrained from the service of this House, but for treason, felony, or denying surety for the peace."[20]

Subsequently the Governor changed or denied the charge as alleged by the sheriff, and replied that Clarke was held in prison for being guilty of the breach of the Act of the Assembly against "Divulgers of false news," of which both grand and petit juries had found him guilty. But no explanation of the Governor satisfied the delegates. Again and again they protested, whilst important legislative business remained unfinished or neglected. The majority was unwilling to transact business whilst their fellow member was under arrest, declaring

> the House of Delegates in this Province have always claimed as their birth right the same privileges as the House of Commons claim in England. Neither his present Majesty nor any of the royal procurators nor the Lord-Baltemore during his government ever denied us them.

To this argument Governor Nicholson did not reply directly at any time. He asked for opportunity for consideration of their proposal and urged the delegates to transact public business. Several days had passed in exchange of messages, when, on

November 4th, the Lower House asked that they themselves might transmit a copy of their journal to London "transcribed during the sessions and sealed and sent by the House to accord all jealousies and suspicions of having our Letters and addresses and other publick accounts changed and altered through the mistake or deficiency of clerks in transcribing or otherwise"; and they prayed that His Excellency "would abstain hereafter implicitly or expressly to menace, deter, or overawe the House or any member of the same House from freely debating matters in the House." Again, on November 7th, the House prayed that the Governor would abstain from calling the clerks of the Committees upon oath "to discover all done in their Committees." And whereas "juries are always accounted an especial bulwark to protect our liberties and privileges from arbitrary government, we therefore make our humble addresses that no juries may be unjustly vexed, menaced, overawed, or deterred for or from freely giving their verdict according to their conscience, nor bound in any recognizances for the peace or unjustly prosecuted for so doing."[21] But the controversy involving Philip Clarke—a counterpart to several such controversies in the struggle for liberty in the mother country—was rapidly drawing to a close. In the first place Governor Nicholson was about to be relieved of his office; in the second place, the prisoner himself was critically ill. Still, however, the Governor refused to give his reasons frankly and fully for the detention of the man who was a vicarious victim of the provincial struggle for freedom and self-government. The Assembly charged Governor Nicholson with proroguing them because of their insistence upon the release of Clarke; the Governor replied that that was not the reason of his prorogation of the Assembly, but that that dismissal was *a secret of His Majesty's,* to which statement he added that the government of this Province "in its fairest and largest extent" was a power derived from and depending upon His Majesty, the King of England, by whose laws all are bound.[22]

On November 12, 1698, even the usually subservient Council petitioned the release of Clarke on account of the suffering of his wife and children. Nicholson summoned the prisoner to his presence, but did no more than tell Clarke that his severity to him had been due not to any personal prejudice but *from a re-*

spect for law, as Clarke had stated that he could give the Provincial Court legal reasons for his release. Nicholson bade him do so and promised, if he could not do it, to release him on bond for good behavior. So the Governor went to Virginia to take up his duties there, and Clarke was left in prison with the possibility of having a new trial; but by the session of 1699, Clarke had died, evidence of which is seen in a writ issued to the Sheriff of St. Mary's "to elect one Delegate in the room and stead of Mr. Philip Clarke lately deceased."

Governor Nicholson, despite his creditable patronage of education and his advocacy of the orderly codification of the laws, of a better fiscal system, and of better order in the transactions of public affairs, was inclined to despotic disregard of provincial procedure and precedents, and given over to the idea that government should be centralized in a strong executive and a council. In holding this view he was like Berkeley in Virginia, or Winthrop of Massachusetts. He had little patience with or belief in any government conducted by the people or their representatives. The ideas of local self-government and popular rule which had sprung up in Maryland were to him nothing short of a political heresy that should be stamped out. Philip Clarke became, thereby, a martyr on behalf of a political principle, a popular leader who sacrificed his life, liberty, and private fortune on the altar of self-government.

Francis Nicholson, representative of the Crown, was despotic by nature; on the other hand, some of his successors under the Restoration, who attempted or exercised similar invasions of the rights of the colonists were despotic rather by force of circumstances than from choice, the circumstances being the selfishness of the last two proprietaries. Also, it should be said, the later governors were pressed by King and Parliament, as well as by the Proprietary. On two occasions only, despite the pressure of Indian threats and the French and Spanish menace, did the later Barons Baltimore give up even the licenses of ordinaries to help defray military expenses in a common cause. Once they did so on behalf of the ill-fated expedition against the Spanish at Cartagena in 1740, and again in 1746 for the expedition against Canada. Subsequently, when Governor Sharpe consented to the appropriation of revenue in the face of a greater menace

nearer home, Frederick Calvert was indignant and Sharpe was severely censured.[23]

At this time events of colonial, national, and international importance began to crowd one upon the other. In 1745, there occurred the second uprising in favor of the deposed Stuarts, this time on behalf of Charles Edward, the "young Pretender." When the news of this rebellion was received in Maryland the Assembly declared unanimously for King George, and it was during this critical period that the Lower House most readily granted men and supplies for the prosecution of the war against the French and Indians. Maryland celebrated the Hanoverian triumph at Culloden (April 27, 1746) with great bonfires at Annapolis and Baltimore. The Province was directly affected by the result in that a shipload of the prisoners were sent to Maryland and arrived at Oxford in July, 1747, the year which saw the reinstatement of Governor Ogle.

In 1749, shortly after the peace of Aix-la-Chapelle, George II granted 500,000 acres on the Ohio River to a small group composed of English merchants and planters of Virginia and Maryland, which became known as the Ohio Company. Since the western metes of Maryland and Pennsylvania were set, this grant concerned Virginia almost wholly as far as an extension of settled territory was concerned; but since the grant sounded a note of warning to the French and challenged their claims in the Ohio Valley it came to affect Maryland and Pennsylvania as part of the battle ground between the rival nations and their Indian allies. The redoubtable Thomas Cresap was interested; in short, the call of the pioneer was heard in the western reaches of the Province, and we now begin to hear of the Gist family, who were destined to play a prominent part in frontier warfare. Christopher Gist was sent out to visit the Miami, Shawnee, and Delaware Indians, and he followed upon the heels of Thomas Walker, surveyor and cartographer for the Ohio Company; and the events that were to involve Maryland and shake the Province to its very capital followed in rapid succession.

Gist established Picktown, or Pickawillany, on the Big Miami, about one hundred and fifty miles from its mouth. The French responded by building a new fort on Lake Erie and prepared to drive the English out of the Ohio territory. Major George

Washington, then a young surveyor of twenty-two, was sent by Governor Dinwiddie of Virginia to visit the French and demand explanations, with the rendition of certain traders held by the French. He took up the task which another had attempted and declared impossible. Leaving Williamsburg on October 31, 1753, he arrived at Wills Creek on November 14th, where he fell in with Gist, who with five others and Jacob Van Braam, interpreter, set out through the wilderness as winter was fast approaching. Although Washington and Gist were able to obtain Indian guides the weather made traveling so difficult that the little party from Virginia and Maryland spent twenty days in covering some seventy miles from Logstown to the French post at Venango. From Venango the party journeyed to another French outpost some fifteen miles from Lake Erie. The French refused Dinwiddie's demands, and Washington's journal of the trip, published at Williamsburg after his return there in January, 1754, drew general attention to the French threat on the west.

Governor Sharpe, just installed in office after the death of Samuel Ogle, had submitted the royal call for colonial coöperation at the October session of the Assembly in 1753, before Washington and Gist had made their journey through the wilderness. In reply the Lower House professed, as many times before, their readiness to repel invasion by a foreign power, and that they stood prepared to help neighboring colonies when the need arose, but, the House did not consider this "a pressing occasion" calling for active assistance. In the following spring, however, urgent appeals came from Governor Dinwiddie, based upon the Washington-Gist adventure. This time the assembly responded to the British-colonial call and appropriated £500 to procure or maintain the friendship of the Indians. Benjamin Tasker and Abraham Barnes were chosen to make the representations, and these two were also chosen to represent Maryland in a colonial congress called at Albany for the same year. This "Albany Congress" is noted, not for what it accomplished, for its proposals came to naught, but rather for what it failed to do and why. A plan of union drawn up, largely by Benjamin Franklin, was debated and adopted; but when it was laid before the colonies, the representatives of each feared that the proposed confederacy would endanger the maintenance of local

self-government. The colonial assemblies feared the powers which any centralized authority might exercise.*

Even if the other colonies had approved of the plan, it is improbable that Maryland would have agreed to it; for both before and after this period, Maryland was particularly jealous of any encroachment upon her rights. It mattered little whether self-government was threatened by the Lords Baltimore, by the King or Parliament, or by an American Congress in which Maryland was represented. So dangerous did the popular majority in the Lower House regard the proposed Confederation, that they went so far as to express their belief that it "would ultimately subvert" their "happy form of government," and "destroy the rights, liberties, and property, of his Majesty's loyal subjects." Indeed, the representatives of the people of Maryland could scarcely have used stronger language in repelling a suggestion of surrender to an alien enemy than they did in repudiating the action of their deputies at the Albany Congress. Perhaps the fact that Tasker had long been a member of the Upper House and therefore had also been in continued conflict with the Lower may have had much to do in accentuating the rejection of the Maryland House of Delegates. At the same time, one may wonder whether the Gists, the Cresaps, and other hardy pioneers who knew at first hand of the Indian menace to the frontier settlements might not have voted for some form of coöperation had they been members of the Assembly at Annapolis. In any event, the war was about to open which was to overwhelm the outposts of the Province and in which scores of settlers, singly and in groups, men, women, and children, were to be sacrificed, some by sudden death, some by the fiercest forms of torture, and others in prolonged or permanent captivity in the hands of the savages.

It is now necessary to return to Major George Washington and his efforts to protect the frontier against the impending attack. In January, 1754, Captain William Trent, acting on behalf of the Ohio Company and under orders from the Governor of Virginia, began to construct a fort at the junction of the

*On the other hand, in England the Board of Trade saw in the proposal too much democracy or colonial control which might come to overtop the authority of the Proprietaries, of Parliament, of the King, and of Royal Council.

Allegheny and Monongahela rivers; but the slowness of the Virginia Assembly in making the necessary appropriation prevented Washington from joining Trent until the latter had been forced back to Wills Creek. Upon his arrival and without waiting for the promised aid from North Carolina and New York Washington went forward and found a force of French in concealment. These he killed or captured in the first sustained conflict between the French and English forces, and in doing so fired a shot which had its echoes in three continents.*

However, Washington, now in chief command, subsequently to the death of Colonel Fry, found himself facing a superior force of French and Indians. Moreover, his ammunition was running low, and the Indians were in a position to cut off messengers and supplies. At Great Meadows, therefore, he erected a palisade which he called Fort Necessity. Leaving Captain Mackay in charge of a South Carolina company he advanced toward Fort Duquesne. His small force was attacked by some fifteen hundred French and Indians, and he was compelled to retreat to Fort Necessity, where he surrendered rather than risk isolation and the total loss of the whole expedition. The next morning, July 4, 1754, just twenty-two years before the adoption of the Declaration of Independence, he returned to Wills Creek, where he began at once the construction of Fort Cumberland. The struggle for the control of the northern half of the continent was now on, and Maryland and Pennsylvania furnished the first battle ground. At this juncture sundry Indian tribes were aroused by the action of John Penn who, in his desire to consummate the "Western Purchase" of the Pennsylvania frontier, had deceived the savages, by the use of the

*The French asserted that the commander of this expedition, Coulon de Jumonville, was acting in an ambassadorial capacity; but Washington replied that they, the French, had acted in every way like an enemy force sent out to spy upon the country and report to their military superiors. The French were evidently "seeking to surprise the English, when the English surprised them, with the usual backwoods results."—Henry Cabot Lodge, *George Washington,* Vol. I, pp. 71–73. Rupert Hughes, when able to lay aside his absurdly exaggerated story of Washington's alleged flirtations, brings out a genuinely interesting analysis of this campaign, along with the characteristically chromatic touches of the fiction writer. The novelist's epigram that "The Colonies preferred destruction to coöperation" is strikingly laconic but equally as misleading as much longer statements by sundry historians, who have failed to take into account the fact that the colonists faced and feared a menace from within their gates as well as the enemy without. One may learn of the nature of this fear from a study of the history of Maryland —better at this period, than from the history of any other colony.[24]

compass, into giving him title to a vast tract from the Susquehanna westward. When the Ohios, Shawanese, Lenni-Lenapes, and their allied tribes came to believe that they had been tricked out of their hitherto carefully guarded hunting grounds—seven million acres—for £750, they united with the French in the hope of recovering their lands by force.

The Assembly, called by Governor Sharpe in special session, met on July 17th, and on the next day the news of Washington's surrender reached Annapolis.* Washington's small force was then on Maryland soil, and the delegates proceeded to vote £6,000

to his Excellency, Horatio Sharpe, Esq., for his Majesty's use, towards the defence of the colony of Virginia, attacked by the French and Indians; and for the relief and support of the wives and children of the Indian allies that put themselves under the protection of this government.

Governor Sharpe immediately notified Governor Dinwiddie of the action of the Maryland Assembly, and issued a commission to Captain Thomas Cresap to raise a company of riflemen. Other companies were ordered enlisted in eastern Maryland. One company was raised by Captain John Ross, while detachments of two others set out for Frederick in September. These were to be under the command of Captain Dagworthy, of Worcester County, an English officer of some experience.

At Wills Creek Colonel Innes had been engaged in completing the fortification which was named Fort Cumberland, in honor of the Duke of that name. Innes commanded some troops from as far south as South Carolina, and some from as far north as New York. In the meantime special orders arrived from England to the effect that all officers commissioned either "by the King or his general" should outrank all officers commissioned by the governors of the respective colonies; and that

the general and field officers of the provincial troops should have no rank when serving with the general and other commissioned officers commissioned by the Crown; but that all captains and other inferior officers of the royal troops should take rank over provincial officers of the same grade, having senior commissions.

Under the terms of these instructions Washington was reduced from the rank of colonel to that of captain, whereupon he formally resigned from the service. After the resignation of

*The Assembly was called together no less than four times in that year.

Washington, the Duke of Newcastle appointed Governor Sharpe commander in chief of all the forces on the western border. Sharpe received his commission at Williamsburg and with it instructions to make his headquarters in Virginia. Colonel Fitzhugh of Virginia was vice commander, and the two endeavored in vain to persuade Washington to reconsider his decision. The people of Maryland and Virginia were aroused for war as never before. There was no lack of recruits; and the Governor's chief fear, as expressed by him, was that the Assembly would not support the men when afield.

It should be noted, in this connection, that the same Assembly provided severe penalties against those who should supply the French or Indians with stores, food, and ammunition, although investigation does not reveal that any material aid had been given to the enemy by Marylanders. If any such aid had been given it must have been trifling in comparison with the really extensive trading with the enemy carried on by a thrifty element in New England and New York. This trade, which made it possible for the French to carry on the war, was maintained by the people of the seaboard cities; so that it may be said that not a few of the knives that scalped their fellow countrymen on the frontier and the bullets that shot their soldiers on the field were supplied by seamen and merchants of these colonies. In 1755 Governor Dinwiddie wrote to the British Board of Trade that the French forces in Canada were chiefly supplied from Pennsylvania, New York, and the Northeastern colonies. He specifically mentioned that flour, beef, pork, and other provisions were taken to Cape Breton, where they were profitably exchanged for French rum, sugar, and molasses. From Louisburg these supplies were forwarded to Quebec and thence to the Ohio Valley. No charges were alleged against the Southern colonies because of illegal trading with the enemy, and most probably the Maryland Assembly passed the Act of 1754 by way of setting a good example to her Northern neighbors, precisely as Virginia had laid an embargo on provisions "solely as an example to the other colonies, no supplies being exported from that colony to the French."*

*Beer, *British Colonial Policies*, 1754–1765, p. 77. Subsequently, Pennsylvania, New York, and Massachusetts passed restrictive legislation of this general character.

While Governor Sharpe was busy gathering supplies and making preparations for war on the largest scale the Province of Maryland had ever known the King displaced him with Edward Braddock, who had been appointed a Major General and who, as an officer of the Cold Stream Guards, had won distinction at Fontenoy.* Braddock, however, had reached the age when prompt action was not easy. In the first place he was three months preparing to leave England. For this delay there may have been good reasons, but all his movements in America were intolerably slow. He did, however, one notable thing soon after his arrival—he persuaded George Washington to become his aide. By this act Braddock helped to train the man who was to be the main support of the American Revolution; also, it may be added that the brutal disciplinary methods of a British officer made an inveterate foe of a native-born genius for war in the person of Daniel Morgan; for Morgan, as a humble teamster in Braddock's army, never forgot the lashing given him by one of Braddock's subordinates.

Shortly after his arrival General Braddock sent letters to the governors of the various colonies, summoning them to a conference at Annapolis in April. Upon the failure of several governors to arrive the meeting was postponed and the place changed to Alexandria. After Braddock had outlined the campaign the Governors of Pennsylvania, New York, and Massachusetts were entertained by Governor Sharpe at Annapolis. If the various colonial assemblies had learned of the nature of the discussions in the Governors' meeting at Alexandria they would not have been greatly pleased at the recommendation decisively urged by General Braddock and unanimously agreed upon that some way be immediately found by which the colonial legislatures should be forced to contribute to a joint fund to defray the expenses of a common army of defense. Governor Sharpe had had experience in failing to get funds, and Dinwiddie also—as, indeed, all the other governors. It was not unnatural that the British authorities should take the point of view that the col-

*Governor Sharpe's friends, says report, had urged his retention because of his exceptional honesty, while they admitted that he was not possessed of equally extraordinary ability. "A little less honesty," rejoined His Majesty, "with a little more ability, might upon the present occasion, better serve our time." Walpole described Braddock as "desperate in his fortune, brutal in his behavior, and obstinate in his sentiments"; but "intrepid and able."

onies should be compelled to furnish a fair proportion of the expense of the army used in extending their borders or defending them from attack. The Lords of Trade and the merchants of the mother country were developing a colonial system that has been described as consisting of a series of complex regulations "whose fundamental aim was to create a self-sufficient commercial empire of mutually complementary economic parts." This was correlated with the general scheme of defense for a far-flung empire of some thirty-odd colonies or dependencies, and with the general fiscal policy of the realm.[25]

It is not improbable that had the British authorities and the Maryland Assembly come together around the council table they would have agreed in placing a large part of the local difficulty at the door of Frederick Calvert, destined to be the last of the Proprietaries of the Province. The Maryland Assembly was willing to vote funds for the prosecution of the war, and did so appropriate them, but the bills containing the appropriations were rejected by the Governor and Council because the Delegates insisted that the extensive lands and special privileges of the Lord Proprietary should share in the cost of maintaining the war for the good of the Proprietary as well as of his tenants. Abroad Maryland was misrepresented in the matter, and even Pitt was deceived into thinking that Maryland was inexcusably negligent. Historical narrative is equally unjust when American historians make the bare statement that Maryland did not contribute her quota. The statement is perfectly true, but it may as well be quite false in that it creates a false impression. In 1766 Benjamin Franklin made an assertion in regard to this that is comprehensive and accurate. When officially questioned whether he had ever heard "that Maryland, during the last war, had refused to furnish a quota toward the common defense," Franklin replied:

> It is true, Maryland did not then contribute its proportion, but it was, in my opinion, the fault of the Government, and not of the people.*

*Of the situation in Pennsylvania Franklin wrote: "The Proprietaries, our hereditary governors, when any expense was to be incurred for the defence of the Province, with incredible meanness instructed their deputies not to pass an act for levying the necessary taxes unless their vast estates were, in the same act, expressly exonerated; and they had even taken bonds of their deputies to observe such instructions."

It was Braddock's intention, regardless of the action of colonial assemblies, to be at Wills Creek by the end of April. Consequently he set out from Alexandria early in that month. Part of his army was ordered to march through Virginia by way of Winchester, while the other part, including the commander in chief, was to go through Maryland by way of Frederick. Braddock had brought with him two incomplete regiments of British regulars, of about five hundred men each, Colonel Sir Peter Halkut and Colonel Thomas Dunbar in command. Halkut set out for Winchester on April 8th. On the 18th Dunbar headed for Frederick. It appears that neither Braddock nor Dunbar realized that there was no road in Maryland from Frederick west, so Dunbar crossed the Potomac at Conococheague Creek and took the Virginia trail to Fort Cumberland.

Again, the Braddock campaign, as it came to be known, served to bring together characters destined to play notable rôles in the greater war drama that was to be unfolded twenty years later. It was at "Frederick Town," then no more than a frontier outpost, that Governor Sharpe entertained and introduced to each other Benjamin Franklin and George Washington. Franklin, as postmaster general for the colonies under the Crown, had especially arranged to meet Braddock at Frederick to prepare some plan to facilitate the forwarding of military messages. Franklin warned Braddock of Indian tricks and stratagems, but Braddock dwelt upon the certainty of sweeping aside savages and French alike before the resistless power of artillery and disciplined troops.

> Duquesne [he declared] can hardly detain me three or four days; and then I see nothing that can obstruct my march to Niagara. . . . These savages may, indeed, be a formidable enemy to your raw American militia; but upon the king's regular and disciplined troops, sir, it is impossible they should make any impression.[26]

At this time Major Washington wrote to a friend:

> The sole motive which invites me to the field is the desire of serving my country, not the gratification of any ambitious or lucrative plans. This, I flatter myself, will manifestly appear by my going as a volunteer without expectation of reward or prospect of obtaining a command, as I am confidently assured it is not in General Braddock's power to give me a commission that I would accept.

Franklin and Washington did everything possible to help the success of the expedition. The latter knew that there was

much unnecessary baggage, and the former at least suspected it; but Franklin in particular labored hard with the thrifty German farmers of Pennsylvania to furnish wagons and pack horses, while General Braddock, Sharpe wrote, was active in enlisting the servants of the inhabitants of Frederick, Prince George's, and Baltimore counties, as well as in impressing wagons, horses, teamsters, carriages and carriage horses. Finally, after many delays and disappointments, Braddock assembled at Fort Cumberland more than two thousand men prepared for war. About half were British regulars wholly unaccustomed to frontier warfare or frontier life. These suffered more than the colonials, although many of both were ill, due to the lack of fresh vegetable diet. Cutting a road through the primeval forest proved, as Washington had predicted, a "tremendous undertaking." It took ten days to advance the first twenty-four miles toward the distant first objective, the forks of the Ohio. The summer heat must have been most oppressive as some men cut their way along while others marched under heavy equipment or dragged the guns along over the newly cleared ground and over crudely bridged streams, ravines, and morasses. Furthermore, as the whole procession lumbered painfully along—the colonials impatient of such proceedings, whilst the British regulars were cursing frontier conditions—the former heard with fear and fury of Indians slipping around them to cut off the outlying settlements.

Here it is well to pause and consider the situation at the seat of government. Even if the soldiers under Braddock had not heard the terrible details of the Indian forays the Governor and the Assembly had. Reports were reaching Annapolis that the settlers of the frontier were fleeing for the protection of fort or palisade, which many of them failed to reach. The Governor bitterly denounced those Assemblymen "whose counties are not so immediately exposed" for not providing aid for those who were suffering captivity, torture, and death. On the very day that Braddock fell, July 9, 1755, Governor Sharpe wrote:

> The Lower House still persevere in their obstinacy, and I believe will not recede from what they have been contending for, though half the province should be depopulated.

In reading these arraignments of the Lower House, one may at first feel indignant over the inaction of the Assembly; but that body was contending for a principle. The delegates clung to their determination to pass no appropriation bills which did not include the revenues of the Proprietary in the taxation involved; not only that, but they would establish or maintain precedents in the right of laying taxes as they saw fit, with special privileges eliminated, and they would resist all encroachments on their prerogatives. Their attitude may be defended on high grounds; and to it was added a secondary consideration which involved a political principle dear to the hearts of the representatives of every colony, the determination of the colonies to preserve their separate identities and local autonomy. The Lower House daily expected Braddock's triumph, and Braddock's triumph would in itself be most likely to give fresh momentum to the movement toward centralization. In all the past Maryland had enjoyed comparative peace with the Indian tribes. The war, it was whispered, had been stirred up by Great Britain or by Virginia, to be precipitated locally by Penn's deception in securing title to the great hunting grounds west of settled districts of Pennsylvania. The British Parliament had set precedents in withholding appropriations from kings even in times of national stress.*

So reasoned the Delegates. They did not dream of the failure of Braddock's great expedition, by long odds the most powerful ever seen in the middle or southern colonies. Money had been privately subscribed at Annapolis and Philadelphia for public festivities as soon as the report of the fall of Fort Duquesne should be announced. But on July 15th, six days after the fatal conflict near the present site of Pittsburgh, intimations of the disaster burst upon the astonished people of the eastern counties. This was in the form of a letter from Colonel Innes at Fort Cumberland to Lord Fairfax, relayed from Alexandria to Annapolis. On the folowing day the Governor set out for the scene of trouble, going by Bladensburg, Frederick Town, and Conococheague Creek to Fort Cumberland. His progress was delayed by the effort, as more complete news

*In Maryland the Lower House saw in this situation a favorable opportunity to secure the abolition of the "port duty" of fourteen pence a ton and the excise tax of one shilling a hogshead on all tobacco exported, both of which the colonists felt were illegal exactions.

of Braddock's defeat reached him, of making inquiries as to the expenditure of certain funds privately subscribed by members of the Council and the larger planters, in order to purchase wine and provisions. When Sharpe reached Fort Cumberland he found Colonel Dunbar there with the rear guard or detachment of Braddock's army, which had been considerably in the rear of the 1,200 lighter troops that had so nearly reached their objective. Rarely had British regulars appeared so dejected. Many were sick and wounded, and Dunbar counseled the removal of all to some point in the east. When Dunbar's intentions were made known, the settlers in western Maryland, from the site of Colonel Cresap's outpost to Frederick, were in despair. Many prepared to accompany Governor Sharpe on his return, and others to move eastward before the Indians could gather for winter forays.*

For a short while the Maryland frontier had quiet, whilst the French and Indians carried off the booty and prisoners; but it was the quiet that precedes the storm. To add to the danger tribes hitherto friendly, such as the Delawares, now openly joined the enemy. In the irregular warfare of attack and reprisals that ensued Maryland played an anomalous and apparently contradictory part. Governor Sharpe's correspondence displayed the ardent hope that the Pennsylvania Assembly would vote an appropriation to prosecute the war on a large scale. If that Assembly should thus set a good example, wrote Sharpe, he would convene the Maryland Assembly and set before the members the action of their neighbors. But the Pennsylvania Assembly proved a disappointment; many of its members were Quakers and stood firm against war on principle. The protection of Maryland lay with volunteers and with private subscriptions. Both were forthcoming. "Six pounds currency" was offered for a live enemy; and four pounds for evidence, scalp or witnesses, for a dead one.[28] Colonel Cresap was forced

*"When I received this account [further details of the Braddock disaster]," wrote Governor Sharpe to Lord Baltimore, "I was on my way to Fort Cumberland with a number of gentlemen and volunteers who had entered into an association to bear arms and protect our frontiers, where Indian parties have lately done much mischief. I shall now halt a little and expend a sum of money (which the Council and gentlemen of the country had subscribed upon the Assembly's refusal at their last meeting to grant any supplies) in purchasing a quantity of fresh provisions and such things as I think necessary for the troops, and then escort them with such men as I can persuade to join me to Fort Cumberland."—*Archives,* Vol. VI, p. 257.[27]

to abandon his western abode, joining his son Michael, who lived near the Conococheague. Michael's house was constructed as a fort or blockhouse, and it became, from time to time, a rendezvous for those who hoped to repel the forays of the Indians. Numerous reports came in of settlers waylaid and scalped; and upon the heels of these reports came the wildest rumors of invasions of large bands; so that the citizens of Frederick, Baltimore, and even Annapolis were called upon to throw up palisades or build blockhouses.

Governor Sharpe was ever busy, and before summoning the General Assembly, he visited Governor Shirley in New York to confer on the plan of procedure. This was in November, 1755. Sharpe was followed by George Washington, riding from Williamsburg to Boston in midwinter. Washington had challenged Dagworthy's authority at Fort Cumberland, since the latter had asserted his right of precedence over all colonial officers because of his royal commission. Dinwiddie referred the matter to Shirley as commander in chief in America; and, after conference with Washington, Shirley confirmed the authority of the Virginian. On the way back from Boston Washington took pains to call on Governor Sharpe and inform him of the result of his mission. According to Sharpe's correspondence his appeals for private subscriptions and volunteers were unfavorably criticized by the members of the Assembly, who expressed fear that if such a policy were to be established tyranny might follow and the representatives of the people be ignored. However it might have been, recruiting in the spring of 1756 went vigorously forward. Many Marylanders had enlisted under Braddock in the general service of the Empire, so that the credit for their enlistment was technically lost to Maryland.

> With the general's approbation [wrote Governor Sharpe], all the men that had been raised in this Province are taken into the English regiments except a company of fifty-three, which is still kept up for the honor of his Lordship's Province.

The Governor convened the General Assembly on February 23, 1756, and prayed that that body would take steps to remedy the desperate situation on the frontier. Granted that there were high political principles involved in the past obduracy of the Lower House, there does not seem to be sufficient excuse

for the delay and debate that ensued. In any event, the Upper House complained bitterly about the dilatoriness of the Lower House and asserted that by so acting the Delegates were increasing the public expense. The Lower House defended itself against this charge, where was proposed the following significant resolution:*

We are convinced such loyal and benevolent dispositions are uppermost in the hearts of our constituents, as well as our own; that they, as well as we, would rather choose to lay aside for the present any further contest about their and our rights and privileges, nay, to give up part of them, till his most sacred Majesty's royal justice (upon which we entirely rely) shall have restored to us the full and uncircumscribed enjoyment of them all, rather than see (though far remote from the horrid scene), the blood of our fellow Christians and fellow subjects streaming, their chastity defiled, their youth captivated, their property snatched away and carried over to the enemy, or destroyed before their eyes, at the will and pleasure of a handful of barbarous infidels.

But we cannot forbear to say that unhappy is the condition of that people whose frame of government has such clogs thrown into the wheels of it as will not permit such motions as are absolutely necessary for their own defence and security, and that of their fellow subjects, and for demonstrating their loyalty and affection for the best of kings, but at the expense of their rights and privileges.

At this time, Governor Sharpe wrote to his brother William in reference to the "new supply bill" of £40,000 which had been approved by the Lower House. Since this bill did not exempt Lord Baltimore's manors from the land tax imposed Sharpe declared he felt compelled to veto it, even though "his Lordship's Council and best friends" advised him differently. In this private correspondence he expressed the wish that some "act of generosity" on the part of His lordship had been in evidence, so that he could, with good grace, have taken the occasion effectively to denounce the Lower House for the "inexcusable" part "they have acted on this occasion."†

On the 16th of May, 1756, Sharpe wrote to Governor Morris of Pennsylvania that, after a session of twelve weeks, both Houses had at last agreed upon a grant of £40,000 for His Majesty's service, "part of which sum is appropriated for the

*It was defeated, but finally passed in modified form.

†In another letter to his brother John, Governor Sharpe wrote (May 27th): "Was his Lordship's case my own, I am sure I should never have hesitated a moment to contribute my share with the people to defend the province and annoy the enemy, and I am well convinced that if his Lordship had been on the spot he would have suffered his estate to be much more burthened than I have done."

building and garrisoning a strong fort on North Mountain." This fort was Fort Frederick. The "supply bill" of £40,000, as finally agreed upon, carried the point of taxing some of Lord Baltimore's sources of revenue; it imposed a double tax upon Roman Catholics and laid a tax on unmarried men, graded in accordance with their means. This special imposition was sandwiched in between increased taxes on "wines and spirits" and a tax on billiard tables.

In the meantime Colonel Washington, who had replaced Dagworthy at Fort Cumberland, wrote to Dinwiddie on April 22, 1756:

> The supplicating tears of the women, and moving petitions of the men, melt me into such deadly sorrow, that I solemnly declare, if I know my own mind, I could offer myself a willing sacrifice to the butchering enemy, provided that would contribute to the people's ease.

On February 29th, Isaac Baker wrote to the *Maryland Gazette:*

> We found a young man about 22 years of age, killed and scalped; there were only four men in this Fort [Combes], two of which were unable to bear arms, but upwards of forty women and children, who were in a very poor situation, being afraid to go out of the Fort even for a drink of water. The house caught fire during the time the Indians were surrounding the Fort, and would have been burnt down, but luckily there was some soap suds in the house, by which they extinguished it.*

The riflemen of the frontier, compelled to abandon their homes, were gathering in avenging bands, and the Indians were feeling the weight of reprisals. Thomas Cresap, Jr., and Daniel Cresap, sons of the noted explorer and bold challenger of the Penns, got together sixty men and organized an expedition to wipe out Indian villages and kill and scalp the women and children "while the warriors were committing the like destruction on our frontier." The men were reported to have "dressed and

*At this critical juncture Washington's enemies tried to have him supplanted at Fort Cumberland in favor of Colonel Innes. This *cabal* may have given the future commander in chief of the Continental Army the strength, experience, and patience to rise superior to the Conway conspiracy of the Revolution. Although Sharpe had once opposed Washington's appointment the Governor of Maryland now wrote to Shirley: "As Mr. [sic] Washington is much esteemed in Virginia, and really seems a gentleman of merit, I should be exceedingly glad to learn that your Excellency is not averse to favoring his application and request." Governor Sharpe's use of the plain "Mr." was not intended as a slight upon Washington. In the same letter Sharpe had referred to him as "Colonel."

painted like Indians" except for their distinctive red caps, which, no doubt, they regarded as symbolical of the bloody mission upon which they were engaged. On one of these forays of vengeance Thomas Cresap, Jr., was killed.

The year 1756 was not a bright one in Maryland annals. Indian forays were constant; the whole of the western end of the Province was rapidly being depopulated, and there appeared no prospect of successful resistance, much less a resumption of an organized offensive. Had Braddock survived, his experience in defeat might have taught him how to redeem his blunders; he was a brave soldier and under him the rest of the army might have essayed to do what the forward detachment failed to accomplish. As it was Colonel Washington was the hope of the frontier, and he was needed in Virginia. Doubtless much or all of this unhappy condition would have been remedied were it not for the irreconcilable differences between the Lower House and the executive. It has been seen that Governor Sharpe, if left to himself, would have effected a compromise; but he was handicapped by the selfishness of the Proprietary. The eastward flight of the frontier settlers of Pennsylvania left more and more of the northern border of Maryland open to Indian forays; and Sharpe wrote to Lord Baltimore on September 13th that

> if some measures are not speedily taken for the defence of that colony, neither Fort Frederick nor its garrison can be of much service. . . . Besides the garrison of Fort Frederick we have at present 200 men from the militia of Baltimore and Prince George's Counties distributed on this side that fort, and about Conococheague; yet that settlement is, I am advised, almost broke up, and several hundred persons have lately retreated thence, and retired to the more populous part of the county.[29]

In 1758 Pitt launched three great offensives against the French and Indians: the first against Louisburg; the second against Ticonderoga, and the third against Fort Duquesne for the control of the Ohio Valley. The Crown was to provide arms, ammunition, tents, and provisions for the continental troops, while the respective colonies were called upon to raise, pay, and clothe the men so levied; and Pitt held out a promise that Parliament would repay the latter expense. In June General Forbes was prepared to march upon Fort Duquesne accompanied by contingents from Virginia, Maryland, and Pennsylvania. Out

of a total of several thousand, Maryland contributed about five hundred men under Lieutenant Colonel Dagworthy.

General Forbes ignored Washington's advice to take the old Braddock road, and he cut a route to the west from Raystown. Major Grant, with Highlanders, Virginians, Marylanders, and Pennsylvanians, was sent ahead toward Fort Duquesne for reconnoitering purposes. Again, as in Braddock's day, the French took advantage of the Englishman's ignorance of frontier warfare. Having made sure of the British position and movements by means of Indian scouts the commander of Fort Duquesne made a sudden and unexpected attack. The Pennsylvanians broke, and the Marylanders, Virginians, and Highlanders bore the brunt of a losing fight. The Marylanders fought in frontier fashion, but Lieutenant Duncan McRae and twenty-six men were killed—exactly one third of the Maryland contingent under Major Grant. The English, however, managed to effect a retreat in fair order. On October 12th the French attacked Colonel Bouquet, and although they inflicted considerable loss they were less successful against that able officer; while on a third attack, one month later, they were repulsed with ease, Captain Evan Shelby, of Frederick County, slaying one of the Indian chiefs with his own hand. Notwithstanding the repulse of the enemy, the troops were disheartened as they perceived winter was fast approaching. In order to bring up the artillery and supplies it would be necessary to cut fifty more miles of road through the Pennsylvania forest. Just as it was decided to abandon further progress for the year, Captain Hare, who, with Lieutenant Riley and Ensign Harrison, had been skillful in saving the remainder of the Maryland troops after Grant's defeat, came in with a scouting party to report the information gathered from prisoners they had captured that the French themselves were in great distress because of lack of supplies. Acting promptly on this information General Forbes ordered an advance without heavy baggage. Thereupon the French set fire to the fortification and abandoned the stronghold. General Forbes took possession, rebuilt the fort, and named it Fort Pitt.

The news of this success reached Annapolis on the 13th of December, while the Assembly was in session. Governor Sharpe issued a proclamation of "prayer, praise, and thanksgiving,"

and there was great rejoicing throughout Maryland, not only in regard to the capture of Fort Duquesne, but also upon the rumors that the Indians were deserting the French and were suing for peace. No doubt the Governor thought he would take prompt advantage of the public rejoicing to get the Assembly to appropriate funds for new levies to continue the war and carry it into Canada and the west in 1759, but while the Assembly was willing to vote funds by way of special awards to the Maryland officers and men engaged in the past campaign, they left the matter of pay open for the British government to settle and refused to provide for new supplies.

An excellent illustration of the spirit of helpfulness of the people of Maryland may be shown in their response to the appeal on behalf of the sufferers in the Boston fire subsequently to March, 1760. This response was most generous, and in view of the reflection cast by certain New England historians upon Maryland's "niggardly" support of the French and Indian campaigns it should be presented in this connection. In Sharpe's report, the returns were made by counties, from which it appears that the total contributions on behalf of the distressed city, then distant several weeks' journey, amounted to more than two thousand pounds.

Because of the lack of adequate records one of the most difficult subjects to treat satisfactorily is that of colonial education. If all things go by comparison, then the "schooling" of colonial Marylanders suffers in the matter of extent beside that of the more concentrated communities. On the other hand it has been argued that the very difficulties that lay in the path of education made the acquisition of it the more sought after and consequently prized by the more ambitious; and, in consequence, that it was pursued chiefly by those who were best qualified to profit by it. The proponents of this argument then point to the exceptional abilities in statesmanship shown by the leaders of the "plantation colonies." In any event the children of the Maryland colonists did not have to submit to the excessive, or even morbid, religious examination, introspection, and instruction that accompanied the more extended school facilities of Massachusetts. There was nothing in Maryland comparable to Isaac Watts's *The Young Child's Catechism*. If it be a

matter of surprise to educational authorities that Maryland produced so many colonial leaders in field and forum despite her limited facilities for schooling, it may also be wondered at that the Massachusetts plan developed any but religious fanatics in view of the doleful theology that was the almost inevitable accompaniment of the educational methods of the Puritan colony. If there were vices accompanying the "gambling, cock-fighting, and horse racing" in Maryland it may be noted that the ascetic severity of the Puritan theologian and pedagogue did not prevent the report of a visiting committee at Harvard from "lamenting," despite this super-severe religious training, "the continued prevalence of several immoralities, particularly stealing, lying, swearing, idleness, picking of locks, and too frequent use of strong drink."

Grammar schools were established in various counties and communities; but attendance, in a country of great distances, was most difficult. An entry in the Assembly records of October, 1722, discloses the report of Colonel Samuel Young to the effect that, as treasurer, he had on hand a considerable sum arising from the twenty shillings poll tax on negroes and "other taxables," to be devoted to the use of the free schools of the respective counties. Later notations of the same House showed a tendency to cut down the appropriations for these schools in favor of pushing the development of a college on either shore, doubtless with a view to keeping the young men from going to Virginia or abroad in order to complete their education. In 1754, the Lower House, by a vote of 38 to 13, resolved that the

Fund, now appropriated for the several County Schools, and the Money which may arise on the Sale of the Lands, and Houses which appertains to the several County Schools, be applied towards the Erection of One Public Seminary of Learning.*

Clergymen of all denominations naturally took up teaching wherever they happened to be. Summing up, there were what may be termed "home schools," neighborhood schools, private schools, denominational schools, and public schools. Neces-

*Wealthy Catholics sent their sons abroad, preferably to France, a fact that particularly aroused the distrust of the Assembly during the prosecution of the French and Indian Wars. One of these sent to France was the future "signer," Charles Carroll of Carrollton. Protestant planters of prominence sent their sons to England; or to William and Mary, prior to the establishment of St. Johns College at Annapolis.

sarily there are few records of "home schools," where a private tutor was employed primarily to teach the children of some well-to-do planter. Under such circumstances the latter not infrequently invited the children of neighbors or even of dependents, like the teacher himself, who often was a well-educated redemptioner working out his transatlantic passage. A good example of the construction of neighborhood schoolhouses is to be found in the tabulated account of the building of one in Harford County. There were eleven items of expense, among which were charges for hauling, nails, making the door, "hanging the windows," building the chimney, and "daubing the House." The entire expense of "upping up" the building amounted to six pounds and eight shillings. This expense was shared by nine neighbors, one of whom it may be noted was Robert Travis, the contractor or builder.[30] However, it has been said of institutions of learning that their history has

> none of the stirring scenes of a nation's annals, no brilliant pomp and pageantry of war, no campaigns to display the military genius of commanders, or battlefields famous for the bravery of the soldier; it lacks the glitter and intrigue of courts, the keen fencing of diplomatic skill, the appeals to the masses by tribunes of the people.[31]

The most noted of the Roman Catholic secondary schools was the academy conducted by Mr. Ralph Crouch. This school may have been begun as early as 1640; and it survived for a time the eclipse of Proprietary authority under the Puritan revolution. After the Restoration, the Catholic schools had, in the words of Father Shea, a "migratory" existence. There were a few exceptions, however, such as the Newton Manor School of 1677, and the more noted classical academy at Bohemia Manor (1746), whence John and Charles Carroll went forth to finish their education in France.

On the denominational efforts made under Anglican or Episcopal auspices perhaps the most noted was that established under the Reverend Thomas Bacon, Rector of St. Peter's Parish in Talbot County. Like his Roman Catholic brother at Bohemia Manor he looked over the situation in Maryland and found a great lack. In his circular of 1750 he wrote: "Whereas many poor persons, wishing their children taught, are not able to afford them a Christian and useful education" subscriptions

were solicited for setting up "a Charity School in the Parish of St. Peter for maintaining and teaching poor children to read, write, and account." Believing that his "charity" subscription list should begin at home, the Reverend Mr. Bacon, (who was afterward to compile a digest of the laws of the Province), secured the signatures of his own vestry. He then carried his campaign into Virginia and the mother country. Like "Parson" Weems, the early biographer of Washington, he was a musician, with reputed ability to play "expertly on violin and violoncello." He presented a concert at Williamsburg, Virginia, and thereby may have become the originator in these colonies of "benefit performances" for worthy purposes. One of Bacon's sermons was published in London and was sold there and in America for the benefit of the school fund. He dedicated a sermon to Frederick Lord Baltimore, and that profligate nobleman probably felt compelled to respond to the compliment with a gift of £100 and annual subscriptions from himself and Lady Baltimore, with permission to call the pupils "Baltimore boys." The school was built, and opened its doors in May, 1755. It was to be the precursor of our modern industrial or manual training institutions. The pupils were employed in useful labor and were afterward bound out to apprenticeships or service. Negroes also were received, and were to be taught to read and write, and "introduced to the fear of the Lord" *gratis;* but they were to be maintained "at the expense of their owners."*

The founding of the first public schools in Maryland has

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*Benjamin Banneker (1732–1804), in scientific attainments the leader of his race, is the best illustration of negro development in this period. He acquired the rudiments of an education in a rural school, where, in arithmetic, he averred, he had reached "double position." He pursued his studies, however, and, overcoming almost insuperable difficulties, achieved national fame as an astronomer; in fact, when Thomas Jefferson sent to Condorcet, of the French Academy of Science, a copy of the Almanack Banneker issued yearly, this negro may be said to have attained international distinction. Banneker's ability is illustrated by his successful construction of a wooden clock, based solely upon his examination of a watch. He specialized in logarithms, which he himself worked out, and frequently corrected the scientific works of others. By invitation, he attended the meetings and proceedings of the civil engineers who laid out the city of Washington. Some of Banneker's relatives were likewise in advance of their race; this is illustrated by the plea of his cousin, Greenbury Morton, for the privilege of voting after 1809; and before that time negroes had exercised the suffrage. Banneker was a keen observer of nature, and his home was a humble cabin near Ellicott's Mills. Besides Jefferson, other patrons of this remarkable man were William Goddard, the Ellicott brothers, and James McHenry. It may be added that Banneker, while not a full-blooded negro, was distinctively African.

been presented in the foregoing narrative, where it has been seen that the original plan to maintain a large number of free schools, provided for out of the general revenues or by special taxation, gave way partly to an effort to concentrate upon the development of one or more colleges, leaving much of the elementary education to private or community enterprise.

The formal establishment of the Anglican church in Maryland introduced evils alongside of the reforms previously reviewed. Many of the clergy sent to the Province ranged, as someone has said, "from bad to worse." On the other hand, it would be a mistake to narrate nothing but the evil, as some writers have done. There were those who, by their heroic work, did much to redeem the ills of society. The false brethren were sent out to the Province, sometimes as friends of the last two proprietaries. Their sole purpose was to obtain "livings" rather than to preach or practise the service of God. From time to time the Lower House of the Assembly took public note of the conduct of the clergy, who were described by the House in 1724 as being of such ill repute that they caused men to forsake the Church rather than unite with it, and that their conduct made people "look upon all Religion as an Imposture and a Cheat." Unhappily the unfit clergy took refuge behind entrenched privilege.

The Reverend Thomas Bacon was one of those who represented the reform element. He made his parish notable for its enterprise in both spiritual and educational advancement; but, on the whole, it may be said that those parishes were twice blessed that had no annals to relate. Certainly sundry of them became notorious through the evil behavior of their respective priests, of whom perhaps the worst was one Bennett Allen. When the parishioners became restless under these intolerable conditions in a tax-supported church, religion, as well as patriotism, was invoked as the final refuge of the scoundrels involved. From time to time, therefore, the "false guides" averted attention from their own misdeeds by helping to arouse sincere people against Roman Catholics and dissenters. In 1757, for example, the Committee on Grievances and Courts of Justice reported the growth of "popery" was dangerous in that "Papists" sent their children to alien and hostile lands to be educated and that the priests had access, "in the back and removed parts,"

to foreign immigrants who would thus be made ready to join the French and Indians in war against the Province. The news of the report aroused the indignation of Charles Carroll, Sr., who ventured a daring method of reply in the posting of a document on the door of the State House. The Delegates, by a vote of 39 to 7, declared that the "advertisement doth contain scandalous and malicious reflection upon the Proceedings of this House and a member thereof." Mr. Carroll was arrested; but the House by a vote of 28 to 22 declared against confining him in the public jail, and the House adjourned without leaving any clear record as to the outcome of the case.

The Quakers gained ground, increasing the number of their societies, and won many adherents. Had the apostles of Methodism—then the leading protestants against abuses in the Church of the mother country, arrived sooner, there can be little doubt that they would have gained many converts in Maryland. In the meantime Presbyterians prospered in "Makemieland,"[32] on the Eastern Shore, and German Lutherans and other sects in the western counties. The people were restless under the "forty per poll" tax for the support of the Anglican clergy. This tax, with frequent additional levies for the building of new churches, was used to pay the ministers, buy glebes, fence the church yards, and maintain the buildings. As in the case of all legislation put upon a liberty-loving race against the will of a majority or of a large proportion of the people, the law was evaded as much as possible. The taxpayers substituted trashy tobacco in place of good and exercised every kind of subterfuge to avoid full payment of a hated impost. Altogether, the poll tax became, through this particular manifestation, so disagreeably fixed in the public mind that in the Maryland Bill of Rights it was subsequently declared "the levying of taxes by the poll is grievous and oppressive and ought to be prohibited."

On the part of those interested in the commercial development of the Province there was, from the beginning, an effort to create and encourage the building of towns. This movement was active and received governmental aid. Unless new sites were chosen for the proposed towns prospects for upbuilding them were discounted; for the Maryland planters bought land at strategic points around the first settlements, and in as large parcels as their means would permit. Despite anything that the

administrative forces would or could do, the City of St. Mary's itself never got beyond the straggling village stage and was surrounded by the indivisible estates of the landowners. The labors of the pioneer Jesuits and the natural kindliness of the local Indians removed fear of Indian attack, so that the immigrants spread along the larger water courses emptying into the Chesapeake and devoted themselves to clearing their land grants, planting tobacco, and building dwelling houses. Subsequently the settlers went in their own boats, laden at their own wharves, to meet the ships that came up the Chesapeake to complete their cargoes for England. Here and there at strategic points warehouses and larger landings were developed.

In 1683 the Assembly passed an "Act for Advancement of Trade" which aimed to encourage the creation of towns. Many available sites were listed, but it was one thing to order a town in one or one-half acre lots and quite another to get it actually settled. The very names given to many of the points officially authorized do not seem promising. Among thirty such towns, one finds old sites, such as the "City of St. Maries," side by side with such designations as "Britton's Bay," "John Bayleys or Taunts," "on Stumpe Neck Neare Clingemuxen," "on Mr. Reddish, his land," etc. Very shortly the Assembly was assailed with petitions for changes: *e. g.,* "The Meeneys aske for more time for their town at a place called Lott's Wife," and the residents of Cecil County asked "to vacate their Towne at Captain Johns Creek and appoint the same at Cecilton." Londontown on the South River, "on land given by Colonel Burgess," was one of the towns that made a prosperous beginning and then either stopped growing or disappeared. Burgess, with his brother-in-law, Richard Beard, owned or controlled a small fleet of ships trading to Bristol. He diverted his trading fleet at once to building up his town. In 1683, the year of many town foundings in the effort, as the Assembly phrased it, to "bring money into the Province," he laid off a portion of his estate into several score lots and promptly constructed a Court House on one of them. In 1695 "the Cage, whipping Post, Pillory, and Stone" were removed to the newly created capital of Annapolis; but, despite this loss, Londontown, as a port of departure for England, enjoyed no little trade up to the time of the Revolution.[38]

Charlestown, established some years later (1742), may almost be compared to a "boom town" of modern times. The Act for its creation declares that "the Encouragement of Trade and Navigation is the surest means of promoting the Happiness and increasing the Riches of every County"; and, further, that as there was no such place settled near the head of the bay, a town thereabouts seemed "altogether necessary." Accordingly the Commissioners condemned at Long Point on North East River 500 acres and had a surveyor plat 200 acres into lots, with seven streets running at right angles to the river and five parallel with it. The community, through what might now be termed its Chamber of Commerce or Board of Trade, took due note of historical and contemporary values in the matter of nomenclature. Considerable town land was reserved to the common use of the citizens for pasturage and firewood. In May, 1744, the townsfolk "of their own accord published a fair whereat great numbers of people did meet." Thereafter the Assembly authorized them to hold fairs in April and October, provided they were not held on Sunday. These fairs were to last not more than three days and were the colonial prototypes of the county fairs of to-day.[34]

Prior to the American Revolution the efforts of the Ellicotts along the Patapsco River had great influence in building up the commerce of this region; and Ellicott City is the most prominent memorial of that enterprising Quaker family. The first of the Ellicotts were a trio of brothers of old English stock from Devonshire, whose father had settled in Pennsylvania. The three brothers, desiring to become millers, toured Maryland prospecting for lands that would grow wheat. They must have been fascinated by the water-power facilities of the upper Patapsco, for in a little meadow nestling among the roadless forests of that region they decided to build their dam and locate their mill. Not a stalk of wheat was grown by anyone within miles of that location. The planters said the land would not grow wheat, consequently they had "repeated" on tobacco every year, greatly to the depletion of the soil. On the contrary the Ellicotts believed the land was adaptable for grain and finally persuaded Charles Carroll, who had his two great manors "Carrollton" and "Doughoregan" near-by, into giving it a fair trial as the principal crop. Moreover, Carroll, who was perhaps

the leading capitalist of the Western Shore, agreed to finance the venture of the Ellicott brothers.*

The tobacco planters looked upon the Ellicott brothers as half-crazy dreamers; but by the time the Ellicott mill was ready to grind Charles Carroll had harvests of thousands of bushels of wheat ready for the grinding. There was no trade outlet to the wheatfields, but the brothers built a road through the forest to Doughoregan Manor by the aid of convict gangs and from there on to Carrollton Manor. In one month, shortly before the Revolutionary War, they sold to William Lux Bowley, one of the leading merchant captains, 300 barrels of flour delivered at Bowley's Wharf at Elkridge Landing. According to Warfield's *Founders of Anne Arundel County,* the leading planters of that region, finding their tobacco crops growing worse and worse on the exhausted land, were about to emigrate to Kentucky and Tennessee. Thereupon the Ellicotts imported plaster from Nova Scotia and demonstrated that the application of this fertilizer to the soil would enable the land to grow good wheat crops. In this way they kept in Maryland the Dorseys, the Worthingtons, Ridgelys, Meriweathers, and many other leading families. The Ellicotts branched out into iron and other industries and contributed greatly to the building of Baltimore City. For their wheat-laden wagons, traveling over the roads they themselves had constructed, they were the first to manufacture the wheel brakes which became universal throughout the country.

The repeated efforts of the Maryland Assembly to create a great seaport and center for colonial trade were doomed to failure until the Assembly passed the Act for the establishment of Baltimore Town "on the north side of the Patapsco, in Baltimore County, and for laying out into lots sixty acres of land, in and about the place whereon John Flemming now lives."

*Having effected satisfactory arrangements with Charles Carroll they went back to Bucks County, Pennsylvania, and made thorough preparations for moving all their machinery, wagons, horses, implements, and workmen, as well as the household goods for all. In wagons and carts they carried to Philadelphia the equipment they needed, shipping it down the Delaware to Newcastle. There they loaded it again on wagons and moved across the Peninsula to the "Head of Elk." Thence they took ship down the Bay and up the Patapsco to Elkridge Landing. They drove their carts and wagons from that point along the rocky banks of the river to within a mile of their destination, where they unloaded and trundled everything on wheelbarrows, through the forest to the chosen meadow, or "The Hollow," they had selected.

Flemming was a tenant of Charles and Daniel Carroll, and his house stood near the banks of Uhler's Run not far from what afterward became the intersection of Charles and Lombard streets. The Act looking to aid incorporation of the new town, which was afterward to include Fells Point and adjacent settlements, named the following commissioners: Dr. George Buchanan, William Buckner, Surveyor Richard Gist, William Hamilton, Colonel William Hammond, Major Thomas Tolley, and Dr. George Walker. These commissioners were appointed for life and were a self-perpetuating body. Baltimore City was thereby first incorporated in 1729, although its site was not actually laid out and settlement started until the following year.*

To the enterprise of Charles Carroll and the Ellicotts in the raising of wheat, impetus was added by the advent of a number of Germans from the Rhine Palatinate. These people were fleeing from almost constant devastation of war—the Thirty Years' War and the invasion of Louis XIV, by which their native land was made desolate. The fifth Lord Baltimore, holding that these industrious people, then refugeeing in Holland, would be available for settling the western portion of his province and thereby strengthening it in border disputes and in wars with the French, offered special inducements to them to establish themselves in Frederick County. If they agreed to settle on this frontier they were to be exempt from Proprietary quit-rents for a period of three years. The Palatines took up land on these terms; and, despite the disastrous raids of the French and Indians, which must have made the immigrants feel, for a time, at least, that they had flown to new ills worse than the old ones, the valleys of the Monocacy and the Antietam bloomed with fields of wheat, which, even before the Revolution, became an important article of export.[35]

Monocacy was the first town laid out by the Germans, and it was here that they built their first log church. In a short time, the Lutheran, German Reformed, Moravian, Tunker, and other churches were established in Maryland. The founder or first organizer of the German Reformed Church was the Reverend Michael Schlatter. Of his visit to Frederick Town in May, 1748, he wrote:

*July 30–31, 1729, the bill for incorporation was passed by Assembly; it was signed by Governor Calvert August 8th.

It is of great advantage to this congregation that they have the best schoolmaster I have met in America.

To this statement, Judge Williams adds:

This schoolmaster was Thomas Schley, from whom many illustrious men are descended. He is the ancestor of . . . William Schley, the eminent lawyer of Baltimore; of Col. Wm. Louis Schley; of Rear Admiral Winfield Scott Schley, and of Frederick A. Schley. Thomas Schley was one of a party of about one hundred families of Germans from the Palatinate who arrived in America by way of Annapolis in 1735 and settled on Carroll Creek, near the Monocacy and began the town of Frederick. Other Germans had arrived and settled down around the site of the present town about 1734.

The arrival of these Western settlers brought home to all the colonists the pressing problem of making roads. True, the earlier settlers had roads in southern Maryland, but they were usually short and extended from one arm of the bay to another; for it was chiefly by water that the settlers communicated with each other. Social intercourse, except at a few places only, such as St. Mary's City, Annapolis, Oxford, etc., consisted mainly in the interchange of visits between the families of planters. The unexpected advent of neighbors brought no upset in household arrangements. Servants there were and, usually, a plentiful supply of grain and fresh meat.* There were, also, numerous "rolling roads" where casks of tobacco were rolled along to the nearest wharf, and the Assembly records show, also, the effort to make and maintain post or trade routes; but inland roads of considerable length for trade and travel did not come till after the frontier had been extended to Frederick Town and westward. Thereafter appeared the great Conestoga wagons with their teams of four to eight horses. The roads to Baltimore, the first port to grow well out of the village stage, soon became crowded with these covered carriers of produce; but some few of the old wayside inns survived even the first years of the Twentieth Century. The Great Eastern road, North and South, ran through Baltimore.

In 1760, George III, English born, succeeded to the throne of his Hanoverian father and grandfather. The newly crowned sovereign fell heir to all that had been won in America under

*Alsop had reported fourscore venison in one family storehouse—a family that consisted of but seven persons.

the administrative genius of William Pitt. In the American colonies, everything appeared auspicious for the beginning of an era of peace and prosperity; but, beyond the immediate horizon storms were approaching from two directions: the first in the form of Indian unrest, and the second arising from serious differences with the British government.

The end of the war with France brought the beginnings of new and more widely extended attacks by the Indians of the Ohio and Mississippi valleys. The French traders and trappers throughout the Western community had interfered very little with the wild customs and habits of the natives; but the advance of the English meant that hunting grounds would give place to farms and villages. Under the able leadership of Pontiac, Ottawa chief, the Indians protested that, in the proposed transfer, their claims should be taken into consideration. Protests being unavailing, Pontiac secured from native tribes, ranging from Canada practically to the Gulf of Mexico, promises of coöperation in an attack upon the invaders on a scale never before attempted. Thus, by the personality and genius of this chieftain, there was created the most powerful coalition of discordant tribes ever known in the history of the American Indian. Subsequently, out of twelve outlying English garrisons attacked, on a thousand-mile front, eight were captured. Perhaps no further persuasion was needed by the Mingoes and Shawnees than the eloquence of Chief Pontiac; but if these tribes had needed additional argument, it was supplied by the act of frontiersmen in killing the family of Chief John Logan. Logan was a friendly Indian; but the whites did not, in their rage, take the time, or care, to make distinctions. Logan became a bitter enemy; and, with the great Shawnee chieftain, Cornstalk, he waged a war worthy of the military captains of a more advanced race.*

The blow fell heavily upon Maryland. After a lapse of but

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*Thomas Jefferson felt outraged by the treatment of Logan; but, unfortunately, falsely blamed Michael Cresap for the outrage. Luther Martin married Cresap's daughter and bitter personal enmities resulted from this episode, although the leaders of the Federalist opposition had, of course, other grounds for their hostility. Those writing in defense of Logan were Brantz Mayer in *Tah-Gah-Jute.* Jacob, in his *Life of Cresap,* and Thomas Kennedy in verses dedicated to the alleged "speech of Logan," the words of which, it seems, were largely put in Logan's mouth by contemporaries in several differing versions.

a few years, the tomahawk, the scalping knife, and the torch descended upon the scattered farms and settlements throughout the whole countryside. Washington wrote of "another tempest" that was arisen upon the frontiers, and that "no families remain above the Conococheague road." A correspondent of the *Maryland Gazette,* writing from Frederick Town, July 19, 1763, expressed gratitude to Governor Sharpe for having sent up at once a wagon "loaded with powder and lead," without which, the correspondent asserted, Frederick Town could not have equipped the small force of volunteers who marched to the aid of the settlement at Conococheague.

In October Governor Sharpe convened the Assembly, but again there arose the old disagreement about the disputed prerogatives of the Proprietary. This disagreement was summed up by the Delegates in a query addressed to the Upper House, coupled with a declaration of purpose to abide by their actions as follows:

> Have not the unsuccessful attempts heretofore made by your Honours to prevail on this House, at sometimes to wave, at other times to give up, the people's undoubted right to the application of monies arising on ordinary licenses, been sufficient to discourage your Honours from renewing your attempt? Possibly, we may be mistaken, and the application of that money may not be your objection to the right *this House have, time out of mind, contended for; if neither of these are done, we are determined not to proceed to the framing any other bill for the defence of the western frontier.*

Thus again—because the Governor was compelled to support the position of Lord Baltimore—the Province took no extended part in the compaign against the savages. They were, however, driven back in Pennsylvania by Colonel Bouquet, aided by a few Marylanders who were chiefly from Frederick County and who served without pay.

Governor Sharpe did not convene the legislature again until September, 1765. Although the Governor stated: "I have not, for my part, anything, Gentlemen, to ask of you," important matters came up for consideration, fruitful of great consequences. These matters were broached not by King, or Parliament, or Proprietary; but by way of a voice from Virginia and an appeal from Massachusetts.

After the close of the war with France the great problem of the British government was to provide the wherewithal to pay

the war debt and maintain the new possessions. In 1763, therefore, it was generally advertised that the British government planned to place an army of 10,000 men in America, for whose support the colonies were expected to contribute at least their fair share, since they were to be used to protect the settlers as well as to help to hold the new frontier won from the French. The old system of requisitions had failed utterly, and George Grenville turned to Parliamentary measures of taxation. The policy he proposed to pursue was duly announced, and there was heard no protest from America, albeit the agent of Massachusetts, Jasper Mauduit, notified that colony at once.[36]

In 1764 the "Sugar Bill" was passed. This was a comprehensive measure to raise revenue for "protecting" the American colonies, and Grenville stated that it was his further intention to introduce a colonial stamp tax. Action thereon was deferred until 1765, as the Tory government desired to give the colonies time to consider it, with the option of suggesting some other tax that might be more agreeable to them.* Since the colonial agents offered no method for raising revenue except by means of the requisition system Grenville introduced the now famous Stamp Act, under the terms of which all legal and commercial documents, pamphlets, newspapers, almanacs, cards, and dice in the colonies were to have stamps affixed to them.

Previously, in the effort to stop trading with the enemy, "whereby," as Pitt himself declared, "they are principally, if not alone, enabled to sustain and protract this long and expensive war," the British customs officials had resorted to devices subversive of the English ideals of liberty. For example, in the more commercially inclined colonies, they began to use general search warrants, known as "writs of assistance." These writs of assistance gave authority to officials to enter any individual's house upon undisclosed information at any time he saw fit. In Massachusetts Advocate General James Otis resigned his position in order to denounce the writs as transcending the powers of Parliament. It was, he argued, in contradistinction to the fundamental principles of the English Constitution; therefore, such an act was of itself null and void. This was in 1761. Otis lost his case, but he published his views and aroused widespread

*In England, two years before, the imposition of a tax on cider had resulted in serious disturbances.

interest in the matter of Parliamentary taxation, which was soon to become equally acute in Maryland.

The Peace of Paris had allayed the cause of irritation until the case was reopened in another form. As stated above, Grenville was determined to enforce the Navigation Acts and secure from the colonies some part of the expense necessary to the maintenance of the troops deemed essential to protect the colonies. He had a good argument for his case. At the beginning of Pontiac's war the British regulars were the only troops in the field—the one force that prevented the Indians from doing pretty much as they pleased in extending their forays into the more populous centers of all the middle colonies. George Washington, who had spoken so ill of the British regulars under Braddock's ill-starred leadership, now reported that had he not had under his command a small troop of English soldiers he would have been helpless during the first six months of Indian assault. Also, it was shown by Grenville that the British government had repaid each colony for all expense in maintaining its troops outside of its own borders. On the other hand, the American colonists were bent upon managing their own affairs, regardless of consequences. They loved self-government and feared the imposition of authority from without more than they did Indian forays, no matter how terrible. They particularly feared a standing army. Such a force could be used for purposes of domestic oppression as well as for repelling an alien enemy. The Stamp Act was specific and direct, and it became in the eyes of the colonists the outward and visible sign of the intentions of the British Ministry to subject them to the unrestricted will of Parliament.*

It was at this point that the active interest of Maryland was enlisted in coöperation with her sister colonies against the imperial policy of the British government. The scene shifts dramatically, when, upon the convening of the Maryland Assembly in the autumn of 1765, the Speaker of the Lower House is served with several important missives from Massachusetts. One proposed a meeting of delegates from all the colonies, and another was from James Otis and the members of the Massa-

*The British people were paying a stamp tax, and the fact that the colonial tax was modeled after that used in the mother country made it seem just to the British proponents. Was it right, they argued, for them to be heavily taxed for the expense of a common war and the colonies not at all?

chusetts House. They specifically called the attention of the Maryland House of Delegates to the

> late Act of Parliament, relating to the Sugar trade with the foreign colonies and the Resolution of the House of Commons relating to the Stamp duties and other Taxes proposed to be laid on the Colonies.

They were

> humbly of the opinion that those measures have a tendency to deprive the colonists of some of their most essential rights, particularly the right of assessing their own taxes, and being free from any impositions, but such as they consent to by themselves or representatives.[37]

The people of Maryland had, however, already inaugurated a determined resistance to the imposition of this new form of internal taxation, concerning which they had not been consulted. In each colony there were those who had opposed the Stamp Act, but who, after its passage, had acquiesced in the decision of Parliament as an unavoidable evil. Even Otis had declared it to be the "duty of all humbly . . . to acquiesce in the decision of the supreme legislature." As the representative of the Province of Pennsylvania in England, Franklin wrote home that since the sun "is down . . . let us make as good a night of it as we can." Not only that; but, being near the seat of power he sought positions for his friends as stamp distributors. It remained for the youthful Patrick Henry to "ring the alarum bell" for all America in the oft-recited speech that brought down upon him the cry of "treason!" Thereafter Otis, who had resigned himself to what he thought was inevitable, joined the ranks of the active objectors.*

At the time of the passage of the Stamp Act an Annapolis merchant, Zachariah Hood, was in London. Like Benjamin Franklin and other Americans then in the mother country he had taken a view of the situation quite different from that held in the colonies, after the circulation of Patrick Henry's bold statement of the colonial principle of local self-government. Hood, having secured an appointment as stamp distributor, arrived at Annapolis during the latter part of August. News

*This occurred in May, 1765, and although several of Henry's resolutions against the Stamp Act failed of passage in the Virginia House of Burgesses, all seven "resolves" were sent out and set the colonists from Maine to Georgia to considering the grave problems of the day.

of his appointment had preceded him, and he was met at the dock by citizens who prevented his landing. Although violence was met with violence and one of the Annapolitans was seriously hurt in what Riley terms the "first successful, forcible resistance in America to King George's authority,"[38] Hood effected a secret landing shortly after the first encounter. Once at home, however, he was met with the open condemnation of his fellow townsmen, and even his best friends shunned him. He was insulted in person and his effigy burned at Annapolis, Baltimore, and Elk Ridge Landing. Finally, when a mob had destroyed a house which he had prepared for the storage of merchandise, he sought the advice of Governor Sharpe as to the advisability of resigning, whilst the *Maryland Gazette* published ominous warnings to "sycophants" and "court cringing politicians."

The seriousness of the situation was well described by Sharpe in a letter to the Earl of Halifax (September 5, 1765) in which the Governor reported in regard to Hood's self-suggested resignation:

> I could not take upon myself to give him such advice, and as both he and his relations doubted whether he could, while the ferment continued, be safe in mine or any other house in the Province, he has retired for a few weeks to New York. To what lengths people who have made such a beginning may go to render the act of Parliament ineffectual, I cannot tell, but am very apprehensive that if the stamp paper was to arrive here and be landed at this time it would not be in my power to preserve it from being burnt.[39]

An excellent illustration of the attitude of the people of Maryland is preserved in the instructions given their Delegates by the "freeholders and freemen" of Anne Arundel County, from which the following excerpts are sufficient to show the principles under consideration:

> The shock received by America, and our Province in particular, from some late unconstitutional measures pursued by the British Parliament, in derogation, as we conceive, of our ancient inherent Rights and Privileges, as Freemen and liege Subjects of the Crown of Great Britain, requires us to be exceedingly circumspect with regard to our Liberties, and early to remonstrate to you, our Representatives in Assembly convened, in support of our Rights thereto, giving you at the same time some few instructions, which we entreat you will specially attend to and punctually observe. . . . Can the Parliament by the fiction of a virtual representation impose one law on us, without our assent, they may also another, and so on, ad infinitum. We cannot see where the line is to be drawn. And each new law so imposed on us may pave the way

to some new tax; each new tax, to some new oppression;—oppression (unresisted) leads in a direct and open path to bondage; and that to the immediate privation and utter destruction of Liberty, of Property, and of all that is dear to us.

At least urge the suspension of this Stamp Tax, declared the citizens of Anne Arundel in their instructions to the Maryland legislature, so that the legality of the act *may "be fairly discussed" by both "American and British subjects" of His Majesty.**

The temper of the people was reflected in the House convened by Governor Sharpe, September 23, 1765. Promptly, on the motion of Colonel Edward Tilghman, and to the exclusion of all other business, the House resolved to take the communications from Massachusetts into consideration "on the following morning," the first full day of the session. Samuel Chase, then a young man of twenty-four, was a member of the Assembly, and with him were associated men whose deeds have illuminated handsomely the annals of the State; such as Cresap, Key, Smallwood, Winder, Goldsborough, Ringgold, Lloyd, Buchanan, Hall, Johnson, Mackall, Parran, Hanson, Dent, Cockey, Beall, Tilghman. It was unanimously recommended that three delegates be appointed to meet the committees of the other colonies at New York, the members of the Maryland Committee being Colonel Tilghman, William Murdock, and Thomas Ringgold. The House gave the Committee the strictest instructions to uphold the principle and practice of local self-government, that any "representation" or petition they should agree to must

humbly and decently, but expressly, contain an assertion of the rights of the colonists, to be exempt from all and every taxations and impositions upon their persons and properties, to which they do not consent in a legislative way, either by themselves or their representatives, by them freely chosen, and appointed.[40]

The Lower House then proceeded to pass what were, in effect, the instructions of the citizens of Anne Arundel County as,

*This was an appeal for arbitration. The petition added: "By the Charter of our Province, it is expressly granted, 'That the king, his heirs and successors, shall at no time hereafter, set or make, or cause to be set, any imposition, custom, or other taxation, rate or contribution whatsoever, in or upon the dwellers and inhabitants of the aforesaid Province, for their lands, tenements, goods or chattels, within the said Province, or to be laden or unladen within any of the Ports or Harbors of the said Province.'"

in part, above quoted. The Assembly, however, went further; for the Delegates not only showed an interest in the proposed infringement of their own liberties but specifically aligned themselves with their brethren of Massachusetts by putting themselves emphatically on record in matters which had not directly affected them. They resolved unanimously:

That trials by juries is the grand bulwark of liberty, the undoubted birthright of every Englishman, and, consequently, of every British subject in America; and that the erecting other jurisdictions for the trials of matters of fact, is unconstitutional and renders the subject insecure in his liberty and his property.

In so promptly declaring their position, the people of Maryland were laying a firm foundation for the splendid record achieved by the Southern colonies in rushing to the support of their sister colonies in New England. No efforts of George III or his ministry through specially favoring Maryland, Virginia, or the Carolinas, alienated these colonies from a common cause —an imperial policy which might easily have been successful with a people less keen in their conceptions of common interests and of the necessity of standing together.

Since the Lower House refused to transact any further business, with the exception of a routine measure prolonging the life of laws passed at the previous session, the Governor prorogued the Assembly until November 1st. Between the meeting of this one hundred and forty-third session of the Assembly, and the convening of the next, the first Continental or "Stamp Act" Congress met at New York. With eight other colonies Maryland participated in this Congress, which drew up addresses to King and Parliament and a dignified "declaration" of rights. It was here that Christopher Gadsden, expressing the generous spirit of the Southern colonies, declared: "There ought to be no New England man, no New Yorker, known on the continent; but all of us Americans."

During the proceedings, the *Maryland Gazette* reflected the attitude of the Province and by its course helped to guide the actions of the people. This daring periodical opened its columns to all protests, even to the defiant card of Benjamin Welsh, which appeared some weeks before the Assembly had had its first opportunity to protest against the passage of the Stamp Act. Welsh's card stated flatly:

I am informed that the Stamp Law takes place the first day of November next. I, therefore, hereby give notice to all officers whatever that may be appointed by virtue of that most grievous and unconstitutional Act (to prevent them trouble), that I will pay no tax whatever but what is laid upon me by my representatives—

Again a strong, direct statement of the claims and privileges of local self-government.

On October 10th the *Gazette* appeared in mourning over its own prospective demise, "In uncertain hopes of a resurrection to life again." Its columns were full of news items from other colonies as to the attitude of the people toward the tax proposals of the British government, all prefaced by a brief editorial notice:

We are sorry, heartily sorry, to acquaint the Public in general, and our good Customers in particular, That this GAZETTE will not any longer be Published (for some Time) for Reasons already given.

Subsequently, however, sundry "free supplements" appeared, bearing a skull and crossbones in the lower right corner, together with the alliterative expressions: "The times are Dreadful, Dismal, Doleful, Dolorous, and Dollar-less."*

On December 10th, in a supplement entitled "an apparition of the late Maryland *Gazette,*" the editor announced that the magistrates of Frederick County had resolved that business should go on without stamps, on the plea that the Stamp Act had not "been legally transmitted to them." This decision of the magistrates was celebrated in Frederick Town by an elaborate pageant or public parade. Such proceedings served to attract popular attention to the principles under discussion. On this occasion, pursuant upon the colors, drums, and a banner proclaiming the independent action of the magistrates, there came inscriptions such as "Magna Charta"; "Charter of Maryland"; "Trials by Juries Restored"; "Oppression Removed"; "Liberty and Loyalty." Finally, there appeared a coffin with the legend:

The Stamp Act, Expired on a Mortal Stab received from the Genius of Liberty in Frederick County Court, 23d November, 1765—aged 22 days.

*Similarly, on the same date, the last day before the Stamp Act was to become effective, the Pennsylvania *Journal and Weekly Advertiser* appeared with a duplication of the *Gazette's* "expiring" notice, also with the *Gazette's* list of damning d's. The skull and crossbones were repeated, accompanied by spades and pick-axes.

Zachariah Hood was represented as the sole mourner, after whom followed the Sons of Liberty.*

In the same month the freemen of Talbot County, with less elaborate fanfare, appealed to their Charter rights, the customary English right of trial by jury, and the American principle of self-government. Again, in March, 1766, the Sons of Liberty from Kent, Baltimore, and Anne Arundel counties met and made written application to the chief justices of the Provincial Court, the judges of the Land Office, and other officials, to open their respective offices and to proceed as usual in the execution of their duties. This demand was complied with, and the Stamp Act virtually became null and void.[41]

During the 143d session of the Assembly (September, 1765) Governor Sharpe had asked the Lower House what disposition should be made of the stamped paper that was shortly expected. The Lower House begged to be excused from making a definite reply in regard to so important "a new matter" without special instructions from their constituents. In view of the colonial silence—so frequently commented upon by historians—as to the proposed stamp tax, it is of particular interest to note that, in Maryland, this reply was followed by a remonstrance addressed to the Governor on his not calling together the Assembly sooner, so that the representatives of the people of Maryland could have had public opportunity of expressing "their sense of a scheme, then entertained by the British House of Commons, of imposing stamp duties on the colonies," for lack of which their silence had been by some construed as acquiescence.

There arose to prominence at this time an attorney who deserves to rank among the greatest lawyers of the pre-Revolutionary period. Because, however, of the hostility he aroused in not supporting what he held were the extreme, illegal, and unnecessary proceedings of later days his fame suffered diminution or eclipse. Reference, of course, is to Daniel Dulany, called "the younger" in contradistinction to his father, who had been Receiver General and Councilor of Maryland under the successive administrations of Governors Bladen, Ogle, and Sharpe. It was asserted by distinguished lawyers, such

*The more one reads the records of this period, the more we are inclined to question the conclusion of Professor Charles M. Andrews—that "popular interest in law-making was never very keen during Colonial times." This observation may apply to some of the other colonies, but certainly not to Maryland.

as William Pinkney, that, in his profession, the younger Dulany was the peer of anyone on either continent, Pinkney declaring that "even among such men as Fox, Pitt, and Sheridan, he had not found his superior." In 1760 Dulany was probably responsible for the final triumph of the Lower House—after forty years of strife—in the matter of the application of the provincial fees, fines, etc., the alleged illegal appropriation of which by the Proprietary had prevented coöperation between the executive and the Delegates throughout the French and Indian Wars. Governor Sharpe accused Dulany of being the prime spirit back of several movements "of the opposition in the Lower House." In any event Dulany's pamphlet, published in October, 1765, arguing against the right of Parliament to impose internal taxation upon the colonies is, perhaps, the ablest effort of the kind produced in America. He furnished at least some of the material for Pitt's famous speech on behalf of the colonial contention delivered in Parliament during the following year. Dulany's attitude in advocating pressure of protest rather than an appeal to force was set forth in the following expression:

> There may be a time when redress may not be obtained. *Till then, I shall recommend a legal, orderly, and prudent resentment.*

Subsequently he found himself forced into the Tory camp, there being then no middle ground; for he believed to the end that redress could have been obtained by legal processes, by logic, and by the "prudent" exercise of "agreements" to bring the British government to see the justice in the American point of view.

There is no doubt that many Americans questioned some of the methods advocated by the more radical minded. For example, when a concerted suspension of payments of debts to British creditors was proposed George Washington wrote:

> As to withholding our remittances, that is a point on which I have my doubts on several accounts, but principally on that of justice.

In effect, by methods such as these, the innocent creditors suffered vicariously for the acts of the government. However, the methods used appeared to bring tangible results; for, after one of the greatest debates known in Parliament, the Stamp Act was repealed March 17, 1766, almost on the day that the citi-

zens of Cecil County passed a series of resolutions in keeping with the tone of some of the demonstrations recounted above.

When the news of the repeal reached America little notice was taken of the ominous declaration immediately preceding the repeal in which Parliament expressly stated that the power resided in King and Parliament to tax the colonists, and to bind them "in all cases whatsoever." Governor Sharpe wrote to Lord Baltimore on May 15:

> Whatever was the motive for the repeal, the measure will, I flatter myself, be immediately productive of the best consequences.

Again, on June 27th, Sharpe wrote that order had been completely restored and that even the exiled Zachariah Hood,

> now resides here and comes on business in this place to as great extent and advantage as he did before his appointment.

That the gratitude of the people of Maryland was genuine is shown by the fact that subscriptions were started to erect a monument to William Pitt for "service done to this province and continent, and the lovers of liberty in general." Disagreements between the Houses in the subsequent session of the Assembly prevented the carrying out of the delegates' unanimous design to erect a marble statue of Chatham at Annapolis and to have a portrait of Lord Camden painted for the Provincial Court. The Assembly also adopted an address of gratitude to George III, who was soon to become the chief supporter of the most obnoxious measures yet proposed by the Imperial Government.*

No doubt the course of subsequent events would have been vastly different, had Rockingham or Pitt remained in power; but Charles Townshend as the head of a new ministry took up where Grenville left off.

> From this time [says the British historian Lecky], the conduct of the government toward America is little more than a series of deplorable blunders.

*It should be especially noted that the Maryland Assembly set a good example in the matter of making amends for mob violence during the preceding period of disorder. They set aside funds for payment of damages done by those who tore down the house which Zachariah Hood was preparing for the receipt of his goods, even reimbursing a carpenter for the loss of a chest of tools which had been destroyed with the building. "The sufferers were entirely satisfied," wrote Sharpe to Lord Shelbourne. In 1774 Charles Willson Peale painted, in London, a portrait of Pitt which he called the "first fruit" of his art.

It was not long before Townshend applied himself to plans not merely for taxing the American colonies but for getting control of their governments. The revenue from this taxation, as proposed by him, was to go to the payment of the colonial governors and judges, thus rendering them dependent upon the British government not merely for their appointment but also for their salaries. To make matters worse Townshend's attitude and expressions were cynical and overbearing. If the colonies resisted "internal" taxation, he would give them "external" taxation, and enough of it to reduce them to a proper sense of their dependence upon the mother country. Furthermore, trials for attempts to evade the tax were to take place before admiralty courts without juries. From this time, the struggle entered into a new phase. In May, 1767, Townshend secured the passage of tariff duties on a number of articles imported by the colonies. After the peace and good will of the period following upon the repeal of the Stamp Act the colonies were again aflame with addresses, pamphlets, and non-importation agreements, to say nothing of smuggling and mob violence. The Ministry, in its determination to end this resistance to the law, went contrary (1769) to the long-established English principle of trial by a jury of the vicinage by providing that a colonist, accused of treason, might be taken to England. Upon that issue, declared Major George Washington, "no one ought to hesitate to take up arms."

In the meantime the Maryland Assembly was convened for its 147th session, May 24, 1768. Immediately the delegates prepared a petition to the King reminding him of the fundamental principle in English constitutional government that, "Whatever a man hath acquired cannot be taken from him without his consent." To this they added:

> It is, therefore, with the deepest sorrow that we now approach the throne on behalf of your faithful subjects of this Province, to represent to your Majesty that by several statutes lately enacted in the Parliament of Great Britain, by which sundry rates and duties are to be raised and collected within your Majesty's colonies in America, for the sole and express purpose of raising a revenue, this great fundamental principle of the Constitution is, in our apprehension, infringed. *The people of this Province, Royal Sire, are not in any manner, nor can they possibly be, effectually represented in the British Parliament.** While, therefore, your Majesty's Commons of Great Britain

*Italics inserted.

continue to give and grant the property of the people in America, your faithful subjects, of this and every other colony must be deprived of that invaluable privilege, the power of granting their own money.

Thus the Maryland Assembly made it clear that self-government not only included colonial taxation, but that the circumstances of the case prohibited colonial representation in Parliament. The customary scholastic explanation that the "American colonies rebelled on account of taxation without representation" creates the impression that the colonists desired representation in Parliament or that such representation was denied them. As a matter of fact the people of the thirteen colonies had the only kind of representation they desired, which was representation in their respective legislatures. Although in some colonies the idea of Parliamentary representation was suggested, to be simultaneously dismissed as impracticable, the suggestion does not appear to have been broached in Maryland in any responsible quarter, if at all; in fact, there was frequent dispute as to the advisability of having even an agent in England. In order, however, to understand the British point of view, it should be added that the Englishman was accustomed to "virtual" representation, such as that accorded great cities and classes. To an Englishman, therefore, "no taxation without representation" meant no direct taxation by fiat of the King; or no taxation except by the Commons. An Englishman could, and did, argue that Massachusetts was as well represented in Parliament as Manchester and other thriving manufacturing cities with large populations—by which he meant that they had no direct representation at all; and yet the people of these new-grown cities were taxed. To the American, on the other hand, "no taxation without representation" meant no taxation except by his own colonial assembly. It was the commercial colonies of the Northeast that first felt the pinch of the new governmental measures; yet, as before, the agricultural colonies promptly rallied to their support. As Professor Charles M. Andrews has aptly declared:

It was the "embattled farmer," and not the "embattled merchant," whose shot was heard round the world.*

*In addition to the "resolves" of various county meetings and the petitions, resolutions, and remonstrances addressed to the King by the Assembly, together with the numerous letters in the *Maryland Gazette,* usually written over a Latin

The colonists showed that they not only appreciated the basic principles of self-government, but that they could also apply the lessons of practical politics. Early in 1768 the Sons of Liberty undertook to revive and greatly extend the nonimportation agreements, which, on a smaller scale, had been found so effective in touching the sensitive pocket nerve of the commercial classes in the mother country. Subsequently to the creation of sundry county organizations a nonimportation association was created for the entire Province when an agreement was drawn up in Annapolis, June 20, 1769. Following a summary of the grievances of the colonists in regard to the tariffs imposed by Parliament without their consent the Associators set forth nine rules of procedure. The first was intended to prevent the importation of all articles specifically taxed or which should be taxed by Parliament, *except paper*—which, no doubt, the colonists felt was necessary for the printing of their journals, pamphlets, and protests! The second rule or resolution enumerated upward of one hundred and twenty-five articles, about nine tenths of which were to be excluded. The exceptions are interesting: for example, combs, wig ribbon, and wig cauls were considered necessary or at least unobjectionable entries. Wines of all kinds were rigidly excluded, but salad oil was not. The cheaper chintzes and calicoes could be imported and cheaper grades of a few other articles of wearing apparel, also certain necessary household utensils. The fifth resolution expressed the determination of the Associators not only not to import any articles that were on the forbidden list, but also to make it impossible for "any person whatsoever" to secure or store such goods, or to "suffer such to be put on shore on our respective properties." The sixth resolution provided for the boycotting of anyone who undertook to violate the aforesaid provisions, while stipulating that none of those merchants who were already stocked with the prohibited goods should take advantage of the occasion to raise prices on "the respective, usual, and accustomed rates for three years past." The seventh resolution provided that the nonimportation agreement should extend to "any colony or province which hath not entered, or shall not,

nom de guerre, there now appeared in the *Gazette* the forceful communications of "A Farmer," reprinted from the Pennsylvania *Chronicle and Universal Advertiser*. These letters were written by John Dickinson, a native of Maryland, then residing in Delaware.

within two months, from the date hereof, enter into resolutions of non-importation," etc. The ninth resolution declared, with automatic comprehension, that "any person or persons whatsoever [who] shall oppose or contravene the above resolutions, or act in opposition to the true spirit and design thereof" would be considered "as enemies to the liberties of America."

Despite the official and formal protests of Governor Sir Robert Eden, who had succeeded Horatio Sharpe in August, 1768, the *Good Intent,* after an advertisement of her arrival in the *Gazette,* was sent back to London, upon which Eden wrote to Hillsborough:

> I endeavored, as my duty to my sovereign and the colony required, to persuade them to reconsider the matter; and for that purpose laid before them extracts of your Lordship's two last letters to me; but could not convince them of the impropriety of their conduct on this occasion, when they have the greatest reason to expect that the act they complain of as a grievance is, already, or shortly will be, repealed.

It may be interpolated here that Governor Eden had married Caroline, the youngest daughter of Charles, fifth Lord Baltimore. Although he had been appointed in August, 1768, he did not actually supplant Governor Sharpe until June 5, 1769. The General Assembly of 1769 greeted Eden cordially; subsequently making the following interesting comment on his immediate predecessor:*

> How justly Mr. Sharpe may have entitled himself to your Lordship's grateful acknowledgments for his many years' faithful service to you, is with your Lordship. Though a retrospection upon the Proceedings of this House will not permit us to say that Mr. Sharpe always paid a due regard to the interest of the Province, yet we must acknowledge it is our opinion, that *his own inclination led him very much towards that desirable object.*

Evidently the change of Governor did not interest the Assembly as much as a letter from Peyton Randolph, the Speaker of the Virginia House of Burgesses, who asked for and received evidence of concurrent action in resolutions upon the value of self-government in the colonies and the recent infringements upon their rights and privileges. The resolutions of the Burgesses of Virginia, wholeheartedly endorsed by the General Assembly of Maryland, were promptly passed on to the other

*Italics inserted.

colonies. These resolutions related, in large part, to the expressed threat of the British government to make examples of the leaders in resistance to the tariff acts by transporting them to England to be tried there.

> That all trials for treason, misprision of treason, or for any felony or crime whatsoever, committed or done in the Province [ran the third resolution, ought to be conducted in the Province, so that the colonists as British subjects should not lose] the inestimable privilege of being tried by a jury, from the vicinage, as well as the liberty of summoning and producing witnesses on such trial.

During all this time, because of the slowness of communication between the colonies and the mother country, many things that happened on either side of the Atlantic might not have happened if that side had known promptly of the turn of events on the other. The nonimportation agreements had greatly injured English trade. Perhaps the enforced return of the *Good Intent* with her valuable cargo had its effect upon the immediately subsequent proceedings. In any event the taxes imposed upon all articles were removed, save on tea, and in this case Parliament so arranged for the sale of tea in the colonies that it was to be cheaper than in England. Parliament also endeavored by this method to maintain the principle of taxation, simultaneously taking pains to make it appear that the repeal was based not on political grounds but for commercial reasons. Not only had the previous Act produced no net revenue, but for every penny gained a shilling had been spent on its collection.*

In the following August, Governor Eden, being a shrewd observer—privately, not wholly out of sympathy with the colonial point of view—wrote home in part as follows:

> From what I can observe, I do not imagine that the taking off the duties on glass, paper, and colors, will put an end to the [nonimportation] association, while the duty on tea continues. Although there are some here desirous of ending it, and associating not to import tea [only], *the general voice is that it will stand as a precedent* for laying duties in America on some future occasion. I have endeavored to convince the reasonable people, that the act laying the three pence on tea, can only serve as a precedent for any future act that

*The turning back of the *Good Intent* is accounted by Riley, in the work above cited, as "the boldest act of ante-Revolutionary events in American history," because the conduct of the Maryland associators or committees was "enhanced by the fact that the proceedings of the committees were open to public view, the names of the committees' members known, and full account of the meetings and their acts were published in the Maryland *Gazette* of the current dates."

may operate in the same manner it does, which is as a relief, the 25 per cent drawback exceeding the duty, tea being now much cheaper than it was before that was laid on; and that we ought not, at any rate, to complain of an act that was beneficial to us, as this is.

He then added:

But this argument has not the weight I could wish.

The repeal of the duties on all articles save tea proved too great a strain on the determination of some of the hard-pressed merchants in the towns and cities. The Maryland Associators, after rebuking the actual or alleged violators of the nonimportation agreement[42] called a meeting at Annapolis, June 6th, where they resolved to have no further dealings with the people of Rhode Island on account of their disregard of the nonimportation pledge. Three days later the citizens of Prince George's County declared that they would continue to adhere to the agreement of June, 1769, regardless of the partial repeal of the Parliamentary tariffs. Previously the people of Baltimore had ordered away the *Industry* and the *Speedwell*, arriving there from Rhode Island, the merchants refusing to trade with the masters of either. Apparently Rhode Island had begun the disaffection with the colonial policy; the merchants of New York followed in July; then part of the merchants of Philadelphia withdrew their support; and Boston dropped off the list in October. Since New York City was the first of the larger ports to renounce the nonimportation pledges, that town received the brunt of the hot indignation of the Marylanders. In August leading citizens of Talbot County met and passed a number of resolutions, two of which are as follows:

That the partial repeal of the American Revenue Act, is rather a banter on our understanding, or a trap to ensnare us, than an argument to induce us to depart from the non-importing scheme.

That an acquiescence in the act retaining the duty on tea would be a tacit acknowledgment of the right of Parliament to tax the people of America, and would probably terminate in the absolute slavery of these colonies.[43]

When it became generally known that some of the merchants of Baltimore sought to have the agreement annulled—after the desertion of these Northern cities—a meeting of the Maryland Associators was called at Annapolis on October 25, 1770. The sentiment of this gathering was unanimous

That those six persons who style themselves "the merchants and traders of Baltimore Town," together with Mr. Jonathan Hudson, who brought and delivered their indecent and inconsistent message to this meeting, have by their conduct, shown a shameful disregard, as well to their own engagements as to the most sacred rights and liberties of America.[44]

In the three brief sessions of the Assembly in 1773, little business was accomplished; albeit contemporary documents indicate that Annapolis had become quite active in the building of the new State House, together with the proposed use of Governor Bladen's unfinished gubernatorial mansion for King William's School, destined to become St. John's College. Social life was gay with entertainments; and the profuse hospitality of Maryland householders was a source of frequent comment on the part of travelers and other visitors within the borders of the Province. Then there was the new theater which had been constructed on a site "much more convenient" than that of the old one. But amid all this gaiety there constantly arose the specter of the serious differences with regard to the policies of the British Ministry. During the June session Governor Eden announced the death of Frederick, last of the Barons Baltimore, and the succession of his illegitimate son, Henry Harford, to the proprietorship.

Under the colonial nonimportation agreements, the supply of tea was piling up in the warehouses of the East India Company. Cargoes of this commodity were shipped to Boston, New York, Philadelphia, and Charleston. At Charleston the tea was stored in warehouses, where it lay until after the colonies had declared their independence, when it was sold to defray the expenses of the troops of the State of South Carolina.[45] At Philadelphia and New York, the ships and their cargoes were turned back. At Boston, after the tea had been in the harbor for nearly three weeks, pending the argument between Governor Hutchinson and Samuel Adams, the vessels were boarded by citizens disguised as Mohawk Indians, by whom the tea was summarily thrown into the sea.

For some time no tea was brought to Maryland, so the inhabitants of the Province had no opportunity to display the country-wide opposition to its importation. Their attitude, however, was made plain by the general resolution of the Assembly

and the action of the citizens when some of the tea did, by chance, or design, arrive nearly one year later.

In the meantime the news of the destruction of the tea at Boston reached London, and it was natural that the British Ministry should take action to meet the situation. At Annapolis William Eddis, British official in the Province, observed, May 28, 1774:

> All America is in a flame!—I hear strange language every day. The colonists are ripe for any measures that will tend to the preservation of what they call their natural liberty. I enclose you the resolves of *our* citizens; *they* have caught the general contagion. Expresses are flying from province to province. It is the universal opinion *here,* that the mother country cannot support a contention with these settlements, if they abide steady to the letter and spirit of their associations. . . . True policy will suggest the expediency of embracing a conciliatory system.

Some of these "resolves," passed by the leading citizens of Annapolis, May 25, 1774 read:

> Resolved, that it is the unanimous opinion of this meeting, that the town of Boston is now suffering in the common cause of America, and that it is incumbent on every colony in America, to unite in effectual measures to obtain a repeal of the late act of Parliament for blocking up the harbour of Boston.
>
> Resolved, therefore, that the inhabitants of this city will join in an association with the several counties of this province, and the principal provinces of America, to put an immediate stop to all exports to Great Britain, and that after a short day, hereafter to be agreed on, that there shall be no imports from Great Britain, till the said act be repealed, and that such association be on oath.
>
> Resolved, that it is the opinion of this meeting, that the gentlemen of the law of this province bring no suit for the recovery of any debt, due from any inhabitant of this province to any inhabitant of Great Britain, until the said act be repealed.

It is of especial interest to note that the moderates and the extremists split sharply on the last resolution, which was carried in the affirmative by a small majority. Here division occurred on the very point which had aroused the scruples of George Washington (*supra*) : *viz.,* whether the innocent creditors in Great Britain should be made to suffer loss because of the acts of the Tory government. As it took considerable moral courage for John Adams and Josiah Quincy to take up the unpopular cause of the defense of the soldiers who had figured in the "massacre" of March 5, 1770, so now it took moral courage

for the more moderate group in Maryland to oppose the resolution for the repudiation or suspension of debts. Notwithstanding all this, a few days later the latter expressed their views with vigor. They declared that this resolution was

> founded in treachery and rashness, in as much as it is big with bankruptcy and ruin to those inhabitants of Great Britain, who, relying upon unlimited security on our good faith and integrity, have made us masters of their fortunes; condemning them *unheard,* for not having interposed their influence with Parliament in favour of the town of Boston, without duly weighing the force with which that influence would probably have operated; or whether, in their conduct, they were actuated by wisdom and policy, or by *corruption* and *avarice.*

In addition to those moral considerations, business reasons also were adduced for the repudiation of this resolution:

> Because our credit, as a commercial people, will expire under the wound; for what confidence can possibly be reposed in those, who shall have exhibited the most avowed, and most striking proof that they are not bound by obligations as sacred as human invention can suggest.

Eddis sums up the case of the moderates on either side when, in October of this last pre-war year, he observed:

> Every well-wisher to the interest and happiness of the mother country, and her colonies, must behold this unnatural contest with inexpressible anxiety. There never was a period in our history more critical than the present. It is high time some methods were adopted to conciliate these growing differences. The colonies are daily gaining incredible strength. They *know,* they *feel,* their importance; and persuasion, not force, must retain them in obedience.*

It must be candidly admitted that over against the high principles announced and adhered to, some of the people were guilty of small or unworthy acts. Conscientious objectors to their general scheme of resistance received, in too many instances, scant consideration; for there were, unfortunately, designing and covetous persons attached to the number of those prepared to make supreme sacrifices for liberty and self-

*It has remained for the self-governing entities within the British Empire to reach, in 1926, the year of the sesquicentennial celebration of the Declaration of American Independence, the absolute limit of freedom in the ideal conception of purely voluntary adherence to the mother country. The principle of local self-government is set forth in a declaration of the self-determination of all the domains that are under the Crown. In brief, the principle for which the American colonists contended has recently reached its fullest fruition under the government they once defied and fought.

government. These took advantage of the state of public feeling in order to gratify private grudges.

As the news of the closing of the Port of Boston circulated in Maryland the citizens of the counties met, passed resolutions of sympathy for the people of Massachusetts, and protested against the action of the British Ministry. Moreover, they took pains to couple their sympathies and protests with more or less extended statements of their "natural" and "charter" rights. Usually at their county gatherings committees of correspondence were elected, which step, wrote Eddis, contributed greatly to the "feeling of importance" which the colonists were apparently cultivating in a most alarming manner. Certainly the Boston Committees never failed in their laudations of the committees of Maryland, and Marylanders were not to be outdone in matters of expression of praise for the patriotism and sacrifices of Massachusetts. But Marylanders were not content with mere expressions of sympathy. They promptly inaugurated a campaign for private subscriptions, a step subsequently approved and encouraged by the General Assembly. Their campaign was made in all the counties, in order to send provisions and funds to the "oppressed" and "numerous poor" of Boston. By way of illustration, the citizens of Frederick County met at the Court House in Frederick Town, and, with John Hanson presiding, passed resolutions on behalf of the people of Boston. This was followed by a meeting at Elizabeth Town (Hagerstown), which not only passed resolutions, but opened subscriptions for relief. Again, a tea-bearing ship being reported in St. Mary's River, the Frederick Committee of Correspondence passed a resolution against the landing of any of the "detestable plant."*

The vast volume of "resolves" passed by the various committees, meetings, and conventions, together with the numerous resolutions of the Assembly, are, for the greater part, dignified statements of principles and purposes. They make good reading. In them there was little of the sensational, or the ultra-emotional forms of expression—which may not be said of the

*"Numerous poor" was an expression used by Samuel Adams and the Boston Committee in their letter of appreciation to the citizens of Chestertown—or "town of Chester," as Adams persistently called this prosperous port of the Eastern Shore.

proceedings of the market place, of street pageants, or perhaps in the case of the letters written to the Boston Committee; for these letters were designed not so much for the committee as for purposes of propaganda. In any case, events and protests, throughout the colonies, now followed in bewildering succession, so that scores or hundreds of State or local historians, seeking credit for their respective communities and States, have fallen over each other in a confusion of claims for credits as to which resolution was "the first," or which went furthest in the force or volume of its protest.

Subsequently to a series of county meetings, but particularly in pursuance of a practical suggestion made by the people of Baltimore, delegates, or *deputies,* from all the counties assembled in Annapolis on June 22, 1774. Matthew Tilghman, of Talbot County, was elected chairman, and John Duckett clerk. After a careful review of conditions and a reading of the correspondence from the other colonies this convention adopted twelve resolutions. Three were reported as having been passed "unanimously," two of which had to do with expressions of sympathy and plans for providing aid and comfort for "the distressed inhabitants of Boston." In other resolutions nonexportation plans were added to the renewal of previously existing nonimportation agreements. It was proposed that the exportation of tobacco, the great staple of Maryland trade, be prohibited, provided the plan should be approved in Virginia and North Carolina.

The appearance of East India tea had been the immediate cause of the difficulties at Boston, followed by the governmental acts which aroused the whole continent. Under circumstances about to be described, some of the obnoxious tea was shipped to Maryland; where local proceedings were destined to be more drastic, more openly defiant, and more spectacular than those of the preceding year at Boston.

On October 15, 1774, the brigantine *Peggy Stewart* arrived at Annapolis, where it was discovered that in her cargo of merchandise she carried more than two thousand pounds of tea. The vessel was Maryland built and was, for the greater part, owned by Mr. Anthony Stewart and by Mr. James Dick, the former's father-in-law. The merchandise on board was

consigned to Thomas C. Williams and Company, of Annapolis. The head of the firm, Thomas C. Williams, was then in London; and it was under his directions that some seventeen tea chests, wrapped in blankets, had been stowed in the *Peggy Stewart* with the rest of a varied cargo.*

When it became known at Annapolis that some packages of tea were aboard the brigantine, Stewart made application at the Customs Office to enter the ship and merchandise, *excepting the tea.* The Custom House officer, however, declared that the vessel and its entire cargo had to be entered or the ship be made subject to libel. Thereupon, Mr. Stewart yielded the point and formally entered the vessel. When the local Committee of Observation was informed of this act a meeting was called. At first it was decided that the forbidden tea should be immediately destroyed; but—possibly for reasons appended to this narrative—the Committee reconsidered and deferred action until the county committees and the people of Anne Arundel could be notified.[46] Handbills were accordingly sent out by messengers; and, with a people who felt so strongly that their liberties were in jeopardy, the story of the event lost little in the telling as the word was passed from mouth to mouth. In the minds of some of the patriot party, Mr. Stewart was already notorious, and the fact that his name was linked with the brigantine made the vessel itself a particularly conspicuous object in the public eye. On several occasions Stewart had supported the attitude of the Council against the views and acts of the Lower House of the General Assembly. In other words, Stewart was looked upon as a Tory and, therefore, regardless of an otherwise excellent reputation, as a menace to the maintenance of American self-government.

When he learned that reports were being circulated inflaming the people against him, Mr. Stewart prepared an explanation of the reasons why he had gone security for the duty on the tea, to the effect that he was not directly interested in the cargo of the *Peggy Stewart;* and that he had been scrupulously careful not to infringe upon "any of the resolutions in America." As for the chests of tea, he called attention to the affidavit of Rich-

*"Tom Williams, who is now in England," wrote Thomas Ringgold, "had it put up in blankets." Letter dated Chester Town, Maryland, October 25, 1774. *Pennsylvania Magazine of History and Biography,* Vol. XXV, p. 253.

ard Jackson, master of the *Peggy Stewart,* that the latter had "publickly on the Change of London" refused tea offered for shipment through Kelly, Lott and Company, and that he did not know that any tea was on board until after he had received his sailing papers at Gravesend.*

In this statement of his part in the transaction the particulars of which were not denied by his opponents, Stewart asserted that he had paid the duty on the tea because the ship was reported to be "very leaky, and that the sooner she was unloaded the better." On account of the passengers aboard, therefore, he felt himself "bound both in humanity and prudence to enter the vessel and leave the destination of the tea to the Committee."

> [The] impropriety [he added] of securing the duty did not then occur to me, neither did I know the tea would be suffered to be lodged as a security for the payment. I had nothing in view but to save the vessel from a seizure, and of having an opportunity of releasing the passengers from a long and disagreeable confinement.

In reply to the call of the Annapolis Committee, the meeting of the people of Anne Arundel County took place on October 19th. Out of several accounts of the proceedings, now available, sufficient agreement is found to present the following narrative of the events that led up to the burning of the *Peggy Stewart.* In fact, there is very little testimony anywhere that contradicts the main features of the John Galloway account, which was written by Galloway, an eyewitness, the day after the occurrence. His account, verified in most particulars by sundry other witnesses, shows that, on their appearance, the county committeemen prepared an apology for the signature of Anthony Stewart and the Williams brothers. The Committee then referred the matter of apology and the question of penalty to the people, who voted unanimously that the tea should be burned, which had been the original decision of the local or Annapolis Committee. However, a dissatisfied group demanded that the vessel also should be destroyed; and it was observed that these demands were voiced chiefly by "the gentlemen from Elk Ridge and Baltimore Town." According to the Galloway account, "matters now began to run very high and the people to get

*This proceeding was easily possible under the regulations then in vogue, as shown in Captain Richard Jackson's deposition, which was sworn before Philip Thomas Lee at Annapolis, October 17, 1774.

warm"; and it must be borne in mind that many of the county people, being highly inflamed because of the reports which had reached them, had already publicly expressed their intentions to give Stewart a coat of tar and feathers or hang him. Two accounts assert that the gallows had been set up in front of Stewart's house, while sundry other accounts referred to the argumentative force of the hangman's noose as if that were a matter of common knowledge. At least one account declared that when Stewart appeared in front of his house in vehement protest, Dr. Charles Alexander Warfield, a major in the recently organized militia, had pointed to the gallows and in substance declared to the owner of the *Peggy Stewart* that he could take his choice between burning the vessel or hanging by his door.[47]

Whether this challenge was made in this dramatic manner or not, in reply to Stewart's threat of retribution by the authority of the King, it is certain that the assembled people had voted decisively against destroying the vessel. When some continued to threaten to do violence to Mr. Stewart or to his home and family if their demands were not heeded, Stewart's father-in-law, Mr. Dick, urged that the ship be burned in order to avoid the threatened violence of the extremists. Nevertheless, even though Charles Carroll* announced that it was James Dick's wish that the vessel also should be burned, Galloway relates that a "Mr. Quyn stood forth" and demanded another vote. This resulted in a "majority of seven-eighths" against burning the brigantine; but the up-county leaders appeared determined to have their way, majority or no majority. Seeing this, Stewart's father-in-law frantically begged those who represented the majority, who were taking steps to safeguard the brigantine against violence, "for God's sake not to meddle in the matter," but to help in burning the vessel lest the discontented minority burn the house instead. Thereupon, Stewart yielded; and, together with the Williams brothers, set fire to the tea, cargo, and vessel, so that every article thereon was consumed with the ship, which was "burned to the water's edge."

In passing judgment upon the whole affair it may be asked why Anthony Stewart did not show a bolder front in resisting the destruction of his property in view of the fact that he had the support of so large a majority of his fellow citizens. To this

*"The barrister," cousin of Charles Carroll of Carrollton.

the explanation is offered that attendant circumstances made his position peculiarly difficult. Only two days before, when popular discontent first threatened, his wife had given birth to a daughter. On the one hand, he was in fear for his wife; and on the other, he had to contend with her frantic father, who was referred to in the Ringgold account as "old Mr. Dick"; and by Galloway as "poor Mr. Dick."

It may here be asked: Why did not the British Ministry take steps to punish the rebellious people of Maryland as they had done in the case of the rebellious people of Massachusetts? The answer lies partly in the fact that the Ministry had taken Cæsar's dictum for their own. They proposed to "divide and conquer": *i. e.,* cajole some colonies whilst they proceeded against the others. Hence, it is to the everlasting credit of the Southern colonies that they acted upon principle and withstood the most tempting allurements of the British authorities. Liberty and self-government were set above every consideration, regardless of injury to provincial trade, local business, and transatlantic commerce.

It is also in order to raise the question why the local Committee of Observation did not settle the Stewart problem as they had originally voted to do: *viz.,* order *the tea* burned at once as an article declared contraband under the American nonimportation agreement. In that case the Williams brothers would have been the sole sufferers; and it was the act of Thomas Williams that had brought on the difficulty. Right here the trail of the investigation leads to a story of commercial rivalry, with a glimpse of the features of the villain in the plot on the Annapolis side. In other words, if Thomas C. Williams was the originator of the trouble in loading the tea at London, the act of the hitherto hidden Annapolitan official became the responsible cause of the injury inflicted upon Anthony Stewart. Crossing the Atlantic, one finds that among the surprisingly numerous British supporters of the self-government principles of the American colonists was one Caleb Evans of Bristol. Almost forgotten to-day, his pseudonym Americanus was once well known on both sides of the Atlantic. It was Americanus who defended the colonies when Samuel Johnson and John Wesley were supporting George III and his Ministry. Americanus was no mere partisan; he denounced injustice on either side; for

in the midst of his defense of the American stand he unsparingly condemned such acts of violence as the sacking of Governor Hutchinson's house in Boston and the destruction of the *Peggy Stewart*.

In regard to the happenings in Maryland Americanus had voiced the views of the friends of American liberty in the London *Public Ledger* of April 13, 1775, only five days before the clash at Lexington:

> By the brigantine [*Peggy Stewart*] Messrs. Williams, the gentlemen to whom the tea was consigned, had also fortunately received a splendid supply of other goods from London. This gave umbrage to some of their neighbors, who had been disappointed of the goods they intended to lay in before the Association or non-importation agreement, which was then generally expected, and which has actually taken place, should operate. Among these there was one house, a branch of a mercantile one in London, and of which Mr. Davison, Deputy Collector and Deputy Comptroller, is a partner, to which the Messrs. Williams were likely to become formidable rivals in trade, who had the misfortune to have a vessel, on board of which the goods were shipped, stranded in the English Channel. Chagrined at their own disappointment, and determined that Messrs. Williams should not reap the benefit of this seasonable supply by the *Peggy Stewart,* [they] resolved also to wreak their vengeance on Mr. Stewart. They used every means to inflame the populace, not only to prevent the landing of the tea, but also to procure its destruction.
>
> In this dilemma Messrs. Williams adopted the only prudent method they had left, to extricate themselves from the impending danger. Aware of the machinations of their enemies, they wisely refused to enter the teas, or pay the duties, imagining that thereby the people would be satisfied, and that the teas being seized for non-payment of the duties, the officers of the customs would in that case be obliged to land them, even at the risk of tarring and feathering.
>
> But Mr. Stewart, an owner of the vessel, anxious for dispatch, in order that he might proceed to another port, too precipitately, as appeared by the issue, settled the matter otherwise.

The burning of the *Peggy Stewart* reveals important transatlantic efforts that have been neglected in American historical narrative. It now appears that the British Ministry suppressed, as far as possible, all news of this happening and of all official communications from Maryland, in order not to alarm the public. Doubtless they would deal with Massachusetts first and take up the matter of disturbances in Maryland at a more convenient season. Never did any group of officials so emulate the alleged performance of the ostrich in burying its head in the sand. By suppressing the facts they tried to ignore the menace offered by the attitude of the Southern colonies in offering support to Massachusetts. The Maryland records show that Gov-

ernor Eden wrote in September, 1775, that he had previously reported to the Secretary of State at London "the most impartial account" he could procure of the burning of the *Peggy Stewart;* but Eden's letters—as all official reports of political proceedings from Maryland from mid-August, 1773, to May, 1775—were *mislaid* or *missing*. In January, 1775—during the latter part of this "missing" period—Lord North laid before the House of Commons copies of extracts from some fifty-two letters. These letters included communications from the Governors of the colonies from New England to Georgia, with the exception of Maryland. After the House clerk had read the titles of the packet in question, Edmund Burke commented on this omission, and desired the noble lord would inform the House whether any had been received or whether they were kept back for political reasons. In the House of Lords Chatham arose in like protest against what was evidently a deliberate effort to delude the public into believing that the trouble in America was localized in New England.

There is little doubt that if, in Parliament, the story of the *Peggy Stewart* affair had been discussed, the fact that the colonies were united must have come more prominently than ever to the front, and an aroused public opinion would have demanded a change of policy—with considerable chance of success. As it was, Burke's voice went unheeded, and Chatham spoke without effect in the House of Lords; for again, on February 2, 1775, another group of American letters was laid before Parliament. This time there was a brief excerpt from a letter by Governor Eden, which, upon recent examination, is shown to have been a quotation from a personal letter Eden had written to his brother.[48] Two months and two days from the day that Burke made the above mentioned protest, he was on his feet delivering his famous address on Conciliation with the Colonies. From this address, a single quotation may be given in this connection as emphasizing points brought out in the preceding narrative:

> These people of the Southern Colonies are much more strongly, and with an higher and more stubborn spirit, attached to liberty than those to the northward.*

*An interesting sidelight was thrown upon the circumstances of the burning of the *Peggy Stewart* in a letter which appeared in the *Baltimore Patriot* in 1813 upon the death of Dr. Charles Alexander Warfield. This letter, written by a con-

Finally it may be said that an unworthy phase of the *Peggy Stewart* affair lies in the apparent intimidation of the press. This was brought about, more or less secretly, by a small but intense element, the evidence of which may be found in the collection of Chalmers manuscripts in the Lenox Library. This collection contains a letter written from Baltimore under date of October 27, 1774, stating that Anthony Stewart had had a

vindication ready to be printed, and promised to be inserted in the Maryland *Gazette* by the printer, but Green [the editor] was threatened with destruction to his Press if he dared insert it—and Stewart waited upon and desired to withdraw it.[49]

Governor Eden, who had returned from England shortly after the burning of the *Peggy Stewart,* correctly appraised the attitude of the people when he wrote on December 30th:

The spirit of resistance against the Tea Act, or any mode of internal taxation, is as strong and universal here as ever. I firmly believe that they will undergo any hardship sooner than acknowledge a right in the British Parliament in that particular, and will persevere in their non-importation and non-exportation experiments, in spite of every inconvenience that they must consequently be exposed to, and the total loss of their trade.*[50]

After the summary dissolution of the Virginia House of Burgesses, the members, assembled unofficially, had taken a long step forward by suggesting an annual congress of delegates

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temporary, stated that when Warfield's party arrived opposite the State House, Samuel Chase, attorney for Anthony Stewart, "harangued" them. Dr. Warfield, feeling that Chase would make some impression upon the minds of his company from Anne Arundel County, interrupted the lawyer and declared his intention of setting fire to the vessel. Previously, so this correspondent stated, Dr. Warfield had been parading his battalion in Anne Arundel County in the vicinity of Mr. Carroll's residence. "When he took upon himself the privilege of printing some labels with the following inscription: 'Liberty and independence, or Death in pursuit of it'; and placed one on the hat of each man in his company, many of the older neighbors who were present, were struck with astonishment, and endeavored to persuade him to have them taken down; for the idea of Independence at that time had entered the mind of but few men. The venerable Mr. Carroll, the elder and father to the present Patriarch, rode up to the father of Doctor Charles Alexander Warfield and exclaimed: 'My God, Mr. Warfield what does your son Charles mean? Does he know that he has committed treason against his King and may be prosecuted for a rebel?' . . . The mighty word 'Treason against the King' sounded from one end of [the] battalion line to the other, and in a few minutes not a label was seen in the hats of any of the men, except Dr. Warfield and Mr. James Connor, late of Baltimore County, who were too stern and undaunted to be intimidated by words, and they wore their labels to their homes."

*At Elizabeth Town (Hagerstown), John Parks was found guilty of concealing a chest of tea. He was compelled to "set fire to the tea until the same was consumed to ashes"; and the Frederick County Committee declared a ban of non-intercourse against the said Parks.

assembled from all the colonies "to deliberate on those general measures which the united interests of America may from time to time require." The ejected Burgesses then called for a meeting of deputies from the Virginia counties to meet in Williamsburg on August 1st, in order to select delegates to the proposed continental congress.

While the county units of Virginia's colonial machinery were ratifying this call the people of Baltimore, meeting May 31st, the very day upon which the Virginia ex-Burgesses gathered, recommended "a general congress of deputies, from all the counties" of the Province of Maryland. The extra-legal and self-constituted group thus called together was destined in time to take over the reins of government, with no violent convulsion or physical clash during the process of change. On June 22d, in response to this call, ninety-two deputies met at Annapolis in the first Provincial Convention. One of the first acts of the Convention was to address a letter to the Virginia Committee of Correspondence in which it was stated:

> We are . . . directed to propose that the general congress be held at the city of Philadelphia, the twentieth of September next.* . . . The limits of our province and the number of its inhabitants, compared with yours, afforded an opportunity of collecting our general sense, before the sentiments of your colony could be regularly ascertained, and therefore, as this province had the first opportunity, it has taken the liberty of making the first proposition.

Colonel George Washington was a member of the Virginia Committee, and this proposal led to an exchange of letters between the future first President of the United States and his friend and neighbor across the Potomac, Thomas Johnson, Jr., who was destined soon to become the first Governor of the "free and independent State" of Maryland.

In the "general congress" that assembled, twelve colonies were represented. It sat six weeks and was described by John Adams as "a collection of the greatest men upon this Continent in point of abilities, virtues, and fortunes." At the opening session Maryland was represented by Samuel Chase, William Paca, and Robert Goldsborough. These were joined by Thomas Johnson on the 6th and Matthew Tilghman on the 12th. On the 6th, Johnson and Goldsborough were appointed on a committee

*Afterward changed to September 5th.

to state the rights of the colonies in general, the several instances in which those rights are violated or infringed, and the means most proper to be pursued for obtaining a restoration of them.

Johnson was also the Maryland representative of an important committee to devise a plan for carrying into effect not only nonimportation and nonexportation measures, but "nonconsumption" agreements, besides being a member of the committee composed of John Adams, John Rutledge, Richard Henry Lee, and Patrick Henry, to prepare an address to George III, to whom the colonists continued to pledge faithful allegiance and dutiful devotion for more than a year after fighting had begun.[51]

The Continental Congress adjourned October 26, 1774, and almost immediately one Maryland county after another held meetings, usually specified, in one way or another, as consisting of those "qualified to vote for representatives." These meetings followed programmes that had but minor differences here and there. In the main, their business consisted in passing "resolves" heartily concurring in the findings of the Continental Congress, in the appointing of committees of correspondence, and the expression of an ardent wish for unity of purpose in carrying out the general designs.

The second Maryland Convention unanimously approved the proceedings of the continental body, as laid before the provincial organization by Thomas Johnson and his colleagues; it called upon every citizen to adhere to the nonimportation, nonexportation, and nonconsumption association. The Convention sat five days, when it adjourned so as to give a better opportunity to all the counties to send representatives to another session to be convened on December 8th. Consequently, on the duly designated day, eighty-five members, from all the counties, met at Annapolis and selected John Hall of Anne Arundel County as chairman. The Convention adopted a series of resolutions to the effect: that the flocks of sheep be increased in order to "promote the woolen manufacture in this province," that encouragement be given to "increase the output of flax, hemp, and cotton [sic] and cultivation of the same on lands best adapted." Another resolution voiced the purpose of Maryland to support Massachusetts or "any other colony" against

illegal taxation or its "execution by force"—to the "utmost." The first sentence of the next following resolution declared that

> a well regulated militia, composed of the gentlemen, freeholders, and other freemen, is the natural strength and only stable security of a free government.

This latter declaration was innocent enough of itself, but, when coupled with the foregoing resolve that the Province would support any oppressed sister colony to the utmost of its power it could mean only that the people of Maryland would meet force in kind. Nor did the expression that followed remove this impression: *viz.*, that the organization of

> such militia *will relieve our mother country from any expense in our protection and defence; will obviate the pretence of a necessity for taxing us on that account, and render it unnecessary to keep any standing army (ever dangerous to liberty) in this province.*

The Convention thereupon "recommended to such of the said inhabitants . . . as are from sixteen to fifty years of age to form themselves into companies of sixty-eight men," etc. It was further recommended that funds be raised for "equipment of the militia"; and apportionments were accordingly allotted to the respective counties, ranging from the high mark of £1,333 assigned to Frederick County to the £358 expected from Caroline. The Convention elected delegates to the next Continental Congress, and set April 24, 1775, as the date for their own body to reassemble—a date which was to be five days after the first bloodshed at Lexington, but four days before the news of the clash reached Annapolis.*

The adjournment of the Provincial Convention was followed by meetings of the citizens of the respective counties, who pledged themselves to carry out the recommendations of the central body. The fourth "resolve" of the Anne Arundel meeting had declared

> That every inhabitant of this County, who, on personal application by any one of the aforesaid Committee of Observation, or by any person appointed by them, shall refuse to contribute, before the 1st day of February next, to the

*It should be observed that Maryland was still contributing generously to the relief of the people of Boston; and these subscriptions of 1774–1775 followed closely upon the exceptional amount raised to meet the suffering entailed by the Boston Fire.

purchase of arms and ammunition, for the use of this county, is, and ought to be, esteemed an enemy to America; and that the name of every person who shall refuse to contribute, on such application, be published by the said Committee in the Maryland *Gazette.*

It may be noted somewhat by way of contrast to this very marked threat, that the last resolution of the Frederick County meeting

strictly enjoined that no violence be offered to the person or property of any one, but that all grounds of complaint be referred to the said Committee.

In pursuance of their resolutions, the Maryland Convention met at Annapolis in the presence of the representatives of the Proprietary and the British government. Promptly the delegates prepared resolutions for the instruction of their representatives in the Continental Congress. They stated that

This Convention has nothing so much at heart as a happy reconciliation of the differences between the mother country and the British colonies in North-America, *upon a firm basis of constitutional freedom;* so has it a confidence in the wisdom and prudence of the said delegates that they will not proceed to the last extremity, *unless in their judgments they shall be convinced that such measure is indispensably necessary for the safety and preservation of our liberties and privileges.*

When things had proceeded thus far, the news from Lexington arrived at Annapolis on the morning of the 28th of April, the continental "express" riders doubtless breaking all previous records.*

As already indicated, the leaders of the Maryland Convention had foreseen the possibility of armed conflict. They did not desire any such outcome, but they felt that it would be well to prepare for any contingency. It was a matter of common knowledge that the Province had a supply of arms which were at the call of the Governor. One of the first acts of these leaders was to make an effort to get control of all military supplies in the Province. Consequently a committee waited upon Governor Eden and asked that the arms and ammunition be put immediately at the disposal of responsible citizens on the ground that, in the midst of the very great excitement and uncertainty,

*For the exact day and hour of the receipt of the message from Lexington at all stopping points from Massachusetts to South Carolina, see Force's *American Archives,* Fourth Series, Vol. II, pp. 363–370.

the negro slaves might rise in insurrection. Eden "expostulated," "advised," and "tried to convince them" to abandon the idea; but to no purpose. The petitioners made no threats, but both the Governor and the Committee knew the real reasons for the Committee's request.*

The second Continental Congress met on the 10th of May, the Maryland delegates being Thomas Johnson, Jr., Matthew Tilghman, William Paca, Samuel Chase, John Hall, Robert Goldsborough, and Thomas Stone—two of whom were to be Governors of the sovereign state. Of these, the most active was Thomas Johnson, who was not only on the committee to frame another petition to the King seeking conciliation; but he was also on the committee to "devise ways and means to introduce the manufacture of saltpetre in the colonies," a striking instance of the soft-spoken character who carries a big stick. Peyton Randolph was again chosen president and on June 15th Thomas Johnson nominated Colonel George Washington for commander in chief of the continental forces, and the selection was announced as being unanimous on the part of the United Colonies. Washington left Philadelphia within a week, and on July 2d was with the troops before Boston. Congress followed up the selection of a commander in chief by appointing four major generals, eight brigadier generals, and one adjutant general. Excellent selections were Nathanael Greene, Philip Schuyler, and Richard Montgomery; but several of the others so chosen proved to be serious misfits or worse.†

In the meantime the battle of Bunker Hill had been fought (June 17th); and Congress had been issuing currency in the name of the United Colonies, besides having authorized the drafting of ten companies from Pennsylvania, Maryland, and Virginia to serve one year as light infantry in the campaign against the British troops beleaguered in Boston. Reprisals were ordered on the high seas; American ports were declared thrown

*The alleged fears of the Committee could have had no connection with the subsequent emancipation proclamation of Lord Dunmore, *infra.*

†There was considerable uncertainty as to the choice of a leader. Even in this first colonial effort at united action in a common crisis there cropped up sectional fears and prejudices. By American writers, the honor of nominating Washington is frequently accredited to John Adams, and naturally copied by foreign writers on American history, as in Jusserand's *With Americans of Past and Present Days.* With regard to the widespread prevalence of this error see *Foreword* of Edward S. Delaplaine's *Life of Thomas Johnson;* also p. 107 *et seq.*

open to the world; and treasury and post-office departments were duly authorized.

Although Benjamin Franklin was shortly appointed by Congress as postmaster general under the direction of that body it should be recalled that an independent colonial post-office system had already been created by William Goddard, "printer" of the recently established *Maryland Journal and Baltimore Advertiser*. In fact, in order to inaugurate a continental post-office system, which he called the "Constitutional Post Office," Goddard had left the management of the first newspaper of Baltimore Town in the hands of his very capable sister, Mary K. Goddard. It is to "Goddard's Post Offices," as the system was popularly known, that the present United States post office properly traces its descent, and not to the British colonial post, as generally intimated or asserted. On July 2, 1774, Goddard had announced in the *Maryland Journal:*

> The Printer of this Paper, with great Pleasure, acquaints the Public, that his Proposal for Establishing an American Post Office, on Constitutional Principles, hath been warmly and generously patronized by the Friends of Freedom in all the great Commercial Towns in the Eastern Colonies, where Ample Funds are already secured, Postmasters and Riders engaged, and, indeed, every necessary Arrangement made for the Reception of the Southern mails, which, it is expected, will soon be extended thither.

A little more than a year after this announcement, and subsequently to the successful operation of Goddard's chain of post offices, the Continental Congress appropriated, with certain technical changes, the system outlined in Goddard's "Plan," and turned over to Franklin the results of Goddard's labors. Franklin was to receive $1,000 a year for his services, while Goddard was given the inferior position of Surveyor of the Post Office. In brief, Goddard established the system to which Franklin fell heir.*

When a communication from Congress authorizing the enlisting of two companies of Maryland "light infantry" had

*In December, 1775, the Royal Colonial Post, of which, before his dismissal in 1774, Franklin (associated with John Foxcroft) had been postmaster, but which was discredited by Goddard's more trustworthy system—from the colonial standpoint—discontinued its services, leaving the field free. For an account of Goddard's "Constitutional Post Office," see Roper's *The United States Post Office;* also Wroth's *History of Colonial Printing in Maryland.* When Franklin proposed a more closely knit "confederation" the idea was rejected at the first Colonial Convention where the plan was offered for approval. The colonies appeared to

reached Frederick it was resolved that the companies be raised immediately, the first to be under the command of Captain Michael Cresap, the second to be under Thomas Price, captain, with Otho Holland Williams and John Ross Key as lieutenants. Apparently there was magic power in the Cresap name, so that the mere word that Michael Cresap was to command one of these companies brought daring riflemen one hundred miles and more from the farthest reaches of western Maryland. They had left behind their families and their all to march to the far distant camp at Cambridge.

Not to be outdone, the near-by Virginians were organizing under Captain Daniel Morgan. The rival companies of Virginia and Maryland riflemen met at Frederick, and it became a point of pride as to which company should beat the others in the race to Boston. In Force's *American Archives* there is to be found a "letter to a gentleman in Philadelphia" dated Frederick Town, August 1, 1775, which thus describes the appearance of Cresap and his men:

> I have had the happiness of seeing Captain Michael Cresap marching at the head of a formidable company of upwards of one hundred and thirty men from the mountains and back woods, painted like Indians, armed with tomahawks and rifles, dressed in hunting-shirts and moccasins.

Cresap was then ill, and he fell a victim to fever less than three months later. Cresap and Morgan marched together from Cambridge to Roxbury and their arrival was described by Thacher, in part, as follows:

> They are now stationed on our lines, and their shot have frequently proved fatal to the British officers and soldiers who expose themselves to view, even at more than double the distance of common musket shot.

In the meantime, civil events in Maryland were keeping well apace of the military. On July 26th the Convention, now composed of 141 members, reconvened and formally took over the government, or the control of the affairs of the Province, re-

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fear the name of "confederation," which implied the creation of a central government. Consequently the terms "association" or "associated colonies" were currently popular as a safe rendition of intercolonial relationship—a use strikingly suggestive of the term employed by the government of the United States in the World War: the other nations fighting with America were in alliance; the United States was associated with these nations; hence the official expression, "The Allied and Associated Powers."

gardless of the Governor and the British officials. The Convention drew up an engagement and pledge, to which the delegates subscribed their names before offering the document to the freemen of Maryland. After an introductory statement as to affairs in Massachusetts and the plans of the Continental Congress to provide a general army "at the joint expense" of the several colonies it declared:

> We, therefore, inhabitants of the province of Maryland, firmly persuaded that it is necessary and justifiable to repel force by force, do approve of the opposition by arms to the British troops employed to enforce obedience to the late acts and statutes of the British parliament for raising a revenue in America; and altering and changing the charter and constitution of the Massachusetts Bay; and for destroying the essential securities for the lives, liberties, and properties of the subjects in the united colonies.
>
> And as in these times of public danger, and until a reconciliation with Great Britain, on constitutional principles, is effected, (an event we most ardently wish may soon take place), the energy of government may be greatly impaired, so that even zeal unrestrained may be productive of anarchy and confusion; we do in like manner unite, associate and solemnly engage, in maintenance of good order and the public peace, to support the civil power in the due execution of the laws, so far as may be consistent with the present plan of opposition, and to defend, with our utmost power, all persons from every species of outrage to themselves or their property, and to prevent any punishment from being inflicted on any offenders, other than such as shall be adjudged by the civil magistrate, the Continental Congress, our Convention, Council of Safety, or committees of observation.[52]

By the plan proposed the supreme power was vested in the Convention, composed of five delegates from each county, to be elected annually. Executive authority was lodged in a Committee of Safety elected by the delegates to the Convention. It was composed of sixteen members, eight from the Western and eight from the Eastern Shore.

> This Convention [says Browne], was in theory as despotic as the French Convention of 1793, and the difference of its proceedings is characteristic of a race which instinctively revolts at arbitrary action and cannot endure unlaw. All its proceedings were marked by respect for the forms of law and for natural equity; and in times of the greatest excitement and danger it kept its self-control. Its acts were sometimes summary and harsh, for revolutions are not made with rose-water; but they were never ferocious, sanguinary, or needlessly vindictive.[53]

A remarkable contrast may be noted between the liberal voluntary expenditures authorized by the representatives of the people of Maryland on the one hand and the often niggardly

amounts subscribed by the Assembly for the prosecution of the French and Indian Wars.* The Assemblies then gave on behalf of the entire Province less than the people of a single county were now pledging in defense of their liberties, as they conceived them. This extra-legal, but *de facto,* authority—the Convention of the freemen of Maryland—met regularly at six in the morning and continued their sessions by candlelight.

The hope of ultimate reconciliation was not furthered upon the discovery of a plan prepared by Governor Dunmore to assail the western settlements of Virginia and Maryland. Upon the first warlike move on his part the people of Virginia had driven Dunmore out of Williamsburg to seek refuge on board of a man-of-war, whereupon he had aroused lively resentment by laying Norfolk in ashes and then encouraging one John Connolly of Pennsylvania, Dr. John Smith, an ardent Tory of Charles County, Allen Cameron, of Virginia, accompanied, apparently, by one John Brown, of uncertain antecedents, to bring down a force of Indians and whites from Detroit, seize Pittsburgh, Cumberland, and other points and advance eastward to meet Dunmore and the British warships at Alexandria. This town, within a few miles of the home of the American commander in chief, was then to be strongly fortified and communication cut between the Northern and Southern colonies. In addition to the Indians Dunmore conceived of the use of runaway negroes. Some of these he already had with him, and, in the hope of encouraging others to abandon the plantations he issued a proclamation of emancipation to the slaves in Virginia. Since Lord Dunmore was carrying on a kind of predatory warfare upon the shores of the Chesapeake in Maryland as well as in Virginia the people of both colonies were led to fear the double horrors of Indian massacre on the one hand and a servile insurrection on the other. Dunmore's scheme was an ambitious one, involving the proposed raising and equipment of "Lord Dunmore's own Regiment of Indians" and "Lord Dunmore's Ethiopian Regiment."

Connolly and his associates, having secured all necessary powers from General Gage and Governor Dunmore, proceeded up the Potomac. But the American Committees of Observation were watchful. Connolly and his companions were arrested near

**Supra.*

Hagerstown and taken to Frederick. Although his captors failed to find the skillfully concealed plans, enough evidence was discovered to force the confession from the group that they were in the employ of the British. Connolly was sent on to the Continental Congress. He was put in jail in Philadelphia, and, together with the Congress, adjourned to Baltimore the following year.[54]

This movement marked the first attempt to drive a wedge between portions of the area in rebellion, the second being Burgoyne's better organized effort to break through from Canada along the line of the Hudson. The news of the Dunmore-Connolly plan spread rapidly throughout Maryland, Virginia, and Pennsylvania, and tended to unite the Whig or patriot elements more strongly than ever, besides producing an inevitable reaction of harsh treatment visited upon those who were not openly "rebellious" in sentiment and action. Some things were done which, like the venting of private grievances, are to be deplored. The acts of the extremists were, however, condoned, when the Whigs learned of the doings of the Tories on the Eastern Shore; for in some localities the latter gained the upper hand, retaliating in kind or acting first, and, therefore, independently of the idea of revenge. As, at any moment, these Loyalists might avail themselves of the aid afforded by Dunmore's fleet, then ranging the Chesapeake, the Committees of Safety proceeded promptly; so that the movement was crushed, for a time, at least, by the militia of the counties on the Eastern Shore.[55]

In the midst of Dunmore's raids in the Chesapeake the Maryland Convention reassembled at Annapolis, December 7, 1775. All business was dispatched in orderly, effective fashion, and no body of men anywhere seemed better prepared for independence than the representatives of Maryland assembled in this extra-legal body. The Convention quickly passed resolutions for the raising of regular troops and enlisting militia. Of the 1,444 regulars "to be raised in the pay and for the defence" of the Province, eight companies of 68 men each were to be formed into a battalion. The remaining companies were to be of 100 men each, two of which were to be "companies of matrosses[56] and trained as such." In addition the Convention authorized the raising of seven "Independent" companies of infantry and two

of artillery, the latter to be divided between Annapolis and Baltimore Town.

It would be tedious to enumerate the names of the officers appointed; as in the case of similar appointments by the Continental Congress, some of the appointees were misfits, but others rose by meritorious service to supplant them. Among the names of the officers we find: William Smallwood, the first colonel of the First Battalion of Maryland; Mordecai Gist, second major; and Samuel Smith, captain of the Eighth Company. The entire Province was divided into five districts, to each of which were assigned a regularly appointed brigadier general, a quartermaster, and an adjutant.*

Despite the fact that the distinguished colonial philosopher and statesman, Benjamin Franklin, had, in 1775, declared that he had heard no one, "drunk or sober," say a word in favor of independence, there is no doubt that, a few months later, matters began to take on a different aspect. Even at the close of that year there was at least considerable discussion about separation and independence. Therefore, in order to keep clearly in view the purpose for which the Provincial Convention was elected and the Continental Congress itself called together, the Convention issued the following statement:

> The experience we and our ancestors have had of the mildness and equity of the English constitution, under which we have grown up and enjoyed a state of felicity not exceeded among any people we know of, until the grounds of the present controversy were laid by the ministry and parliament of Great Britain, has most strongly endeared to us that form of government from whence these blessings have been derived, and makes us ardently wish for a reconciliation with the mother country upon terms that may ensure to these colonies an equal and permanent freedom.

The Convention then proceeded to prohibit the deputies to the Congress not only from agreeing to a declaration of independence, but to any foreign alliance or domestic confederation that would definitely commit the colonies to a separation from the mother country—unless such measures should be deemed by the deputies absolutely essential for the preservation of the liberties of the United Colonies. Had this been all, these re-

*Scharf asserts that the "first cannon made in this country were manufactured in Maryland on the Potomac River; but it appears that Massachusetts has a prior claim, even though her first attempts did not produce satisfactory guns. *Cf. History of the Town of Abington,* by Benjamin Hobart.

strictions would not have been dissimilar to previous ones; but the Convention went further by declaring that even though the Congress were to declare for separation, the Maryland deputies were at once to submit the conclusions of the Congress to the Convention. And it was the intention of the Convention, as events afterward proved, to submit the question to the people as the ultimate source of its authority. Having demonstrated by their acts and resolves their determination not to submit to arbitrary rule by Parliament, *in which they were not represented,* these delegates of the people of Maryland simultaneously showed that they also would not admit unauthorized dictation on the part of the Continental Congress, *in which they were represented,* as will be seen in the following incidents.

On May 10th the Continental Congress declared itself in favor of the general abolition of all oaths of allegiance to the Crown and the total suppression of the authority of the British government throughout the United Colonies. Upon learning of these resolutions, the Maryland Convention, after again declaring its intention to adopt any measures necessary "to preserve the constitutional rights of America," made it equally clear that the Convention meant to maintain the exclusive right of the people of Maryland to regulate affairs pertaining to their own government, especially those in connection with the exercise of police powers, or in its own words:

> That the people of this province have the sole and exclusive right of regulating the internal government and police of this province.*

During this period of uncertainty the Convention had fitted out several small vessels for protection against the sudden descent of Dunmore's auxiliaries and for purposes of reprisal. The Continental Congress also commissioned several such vessels, one of which succeeded in intercepting a Maryland Loyalist bearing correspondence between Governor Eden and Lord

*In contrast to the confidence of the representatives of the people of Maryland respecting their ability to manage their own affairs in crisis or out of it we find that New Hampshire and other colony commonwealths had asked the advice of Congress as to what form of government they should adopt. For example, subsequently to calling upon Congress, the New Hampshire Convention went into session at Exeter, and on January 5, 1776, drew up a form of government in accordance with the *requested* recommendations of the Continental Congress. The more powerful colony of Massachusetts had previously acted in somewhat similar fashion "in observance of the resolve of the Continental Congress."—*Cf.* Frothingham, *Rise of the Republic of the United States,* pp. 491, 492–493.

George Germaine. A letter from Lord Germaine praised Eden's course and referred to a plan in contemplation under which the Governor of the Province was expected to aid military operations against the rebels in Virginia. When General Charles Lee saw the letter he, as the representative of Congress, directed Samuel Purviance, Chairman of the Baltimore Committee of Observation, to arrest Eden immediately and detain him until *the will of Congress should be ascertained.* Consequently, Purviance sent Captain Samuel Smith to Annapolis to seize the person and records of the Governor; but the Council of Safety, in lieu of the Convention, which was not in session, held up the proceedings. The Continental Congress then passed a special resolution that the Committee of Safety secure Eden's person and papers. To this the Maryland Council made answer that in their opinion:

> To dissolve the government, and subvert the constitution by the seizure and imprisonment of the Governor we conceived to be a measure of too much delicacy and magnitude to be adopted without calling and consulting the Convention of this Province; we see no necessity urging us to make an extreme, and we are therefore determined not to expose the Province to immediate anarchy and convulsion if an assurance could be obtained from the Governor, that he would not depart before our Convention met to decide upon this important business. He cheerfully gave us this assurance, and we feel no apprehensions of danger from him. Under these circumstances we cannot comply with the request of Congress in any other manner than we have done, and flatter ourselves they will rest satisfied and consider us excusable.

Hancock, brought up in the tradition of the autocratic Winthrop, must have attempted to discipline the Maryland deputies, for we find the Maryland Council of Safety writing to their representatives in Congress:

> We feel for you; the insult offered by Mr. Hancock in not admitting you to his measures must have been grating, as our Province is the object of attention, and we are to be plunged into all the horrors of anarchy, only to gratify a few individuals out of Congress. However, we shall still persevere in doing our duty with unremitting zeal, and not fail to assist our neighbors if necessary.

The Virginia Convention, equally ardent on behalf of liberty, formally objected to what it considered the overmild procedure on the part of the Maryland Convention. Whereupon, says Browne, Virginia was "sharply snubbed and told to mind her

own business." This is, however, a harsh-sounding summary of the dignified resolutions of the Maryland Convention, which naturally objected to certain inferences embodied in the resolutions of the Virginians. These resolutions the Maryland Convention declared "were not only hasty, and made without due and proper reflection; but betray a disposition to interfere in the affairs of this colony." The reply concluded:

> This Convention, and the Council of Safety for the time being, were the only proper and adequate judges of the propriety and expediency of suffering Governor Eden to depart out of this Province, and have proceeded in that matter upon evidence which was satisfactory to themselves, and to which the convention of Virginia were strangers.

These proceedings present a remarkable tribute to the character of the Whig committees and the Loyalist Governor. They show clearly that Eden was no Dunmore; and that the newly established Revolutionary government of Maryland had no superior, if, indeed, an equal, in the matter of orderly procedure and moderation of conduct. Subsequently, when the Maryland Convention met, that body approved of the action of the Council of Safety. At this time, it was held that Governor Eden's usefulness was ended, and he was courteously but formally and finally notified that he was at liberty to depart, which he did by boarding the warship *Fowey,* June 23, 1776.

Thus from Maryland passed the power of the British Empire.

In the village of Bush, once "Harford Town" and the county seat, there is a granite shaft which bears the following inscription:

> "This tablet marks the site of the building in which were held the courts of Harford county from its organization in March, 1774, until March, 1783."

In this house the Committee of Harford County held its meetings before and during the early years of the Revolution. Here, at a meeting held on the 22d day of March, 1775, members of the Committee passed and signed a formal declaration pledging their lives and fortunes to the colonial cause. The declaration reads:

"We the Committee of Harford County having most seriously and maturely considered the Resolves and Association of the Continental Congress and the Resolves of the Provincial Convention, do most heartily approve of the same, and as we esteem ourselves in a more particular manner, entrusted by our constituents to see them carried into execution, we do most solemnly pledge ourselves to each other and to our country and engage ourselves by every tie held sacred among mankind to perform the same at the risque of our lives and fortunes."

By way of retrospect, sundry matters may here be reviewed in relation to the life and customs of the people of colonial Maryland. The Acadian exiles deported to the Province of Maryland had during the colonial wars become known as "Neutral French," a term employed to aid them in getting settled and distributed among the colonists, thereby distinguishing them from the French then engaged with their Indian allies in devastating warfare on the western frontier. But it was no easy matter to make the English settlers consider the exiles as anything other than alien enemies or potential spies. Certainly the Acadians could not have been introduced into the Province at a more inopportune time than during the campaign of Braddock and immediately after his disastrous defeat and in the midst of the Indian massacres that followed. After a "period of probation," we find that these unhappy expatriates came gradually to be regarded with toleration and favor in Annapolis, Baltimore, and several of the Eastern Shore towns; but as late as 1767, in Frederick County, they—still as "French Neutrals"—were petitioning to be allowed to transport themselves and their effects to the French settlements on the Lower Mississippi. By a curious twist of fate, it was from one of these settlements that James Ryder Randall was, in April, 1861, to voice an "exiled son's appeal" in "My Maryland."[57]

In 1744 the Reverend Thomas Bacon arrived at Oxford on the Eastern Shore. Here he met a fellow countryman in Henry Callister, from whose letters we learn about Bacon's early career in Maryland. It appears that Bacon was a churchman and a Tory, Callister a skeptic and a Whig. Both, however, were liberal minded; and each was drawn to the other. Shortly after Bacon's arrival Callister wrote to a correspondent in England:

I should have here passed for a tip top musician if the Reverend Mr. Bacon had not come in. He has given several sermons which have got the better of

most of the audience. . . . He is a very agreeable companion, and a sober and learned man.*

Bacon became a curate in the Parish of St. Peter, the rector of which was the aged Daniel Maynadier, a French Huguenot, who had been ordained in the Anglican Church. On the death of the latter in 1745 Bacon was given full charge. One year later, Callister wrote home:

> He is now our parson and I think the worthiest clergyman I ever knew.

Besides laboring to uproot widespread unbelief, partly by the importation and distribution of several hundred copies of Littleton's discourses in defense of Christianity, this energetic young clergyman became especially concerned about the souls of the negro slaves. To prevent their continuing in what he termed "the profound ignorance of Christian teachings," that prevailed in "the barbarous and heathen countries from whence they or their parents were imported," he urged masters and mistresses to take pains to bring up their negro slaves "in the knowledge and fear of God." After the Revolution these sermons were printed by Bishop Meade of Virginia; and the high character of the negroes of Virginia and Maryland was largely due to the efforts of the slaveholders who pursued the work in which Thomas Bacon was one of the most notable leaders. It is not impossible, also, that these sermons paved the way for the unselfish labors of hundreds of slaveholders of succeeding generations in both commonwealths to emancipate their slaves and send them to Africa, with a view to spreading civilization and Christianity throughout the "Dark Continent." It was, therefore, especially fitting that one of the four states of Liberia should have been named "Maryland."

The condition of the white laborers also engaged the attention of the energetic Bacon; so that he advocated a "charity working school" to clothe, feed, lodge, and teach the children of the very poor. A few years later his plans were put into execution by means of an endowment fund raised in England and America. This school also made special arrangements for the

*Mr. Callister recorded half sadly, half humorously, that, "We abound in fiddlers, but most wretched ones they are. . . . As to other English tunes, they murther them here ten times worse than the county fiddlers in the Island"—*viz.*, the Isle of Man, whence came both skeptic and parson.

training of negro children. Apparently Bacon's school was not the first to offer training to negroes; in fact, he may have derived his idea from the establishment of a negro school in South Carolina as early as 1743. This was the year before the young clergyman sailed for America. On the other hand, it would seem that the claims of South Carolina to the first manual training school are antedated by the establishment of Bacon's "working school" in 1755, while a similar school in South Carolina, established in 1776, was second. In any event the year 1755 may be taken to mark the actual establishment of Bacon's manual training school, since in that year "a brick building was erected . . . a master was employed, and the school removed into it."[58] Again, at least a beginning had been previously made in temporary quarters; for the Virginia *Gazette* announced in October, 1751, in acknowledging the contributions of a number of "undernamed gentlemen and ladies," that the

> said school is to be opened on the first day of December, next, with six boys, in a small house preparing for their reception, and will be increased as soon as a proper building can be erected, the plan of which is now under consideration of the trustees.

Previous references to the Reverend Thomas Bacon have included a report of his visit to Williamsburg and of the musical entertainment given in that colonial metropolis for the benefit of his manual training school, one of the first entertainments, if not the first, of that character given in America. Reference has also been made to his *magnum opus,* the abridgment of the laws of the Province of Maryland, which is still a valuable reference work. In 1754 he visited Virginia to attend a convention of the Virginia clergy, and while there aided the cause of the widows and children of deceased clergymen. His abilities were so generally recognized and his popularity was so great that it is said he would certainly have been the choice of the American clergy for an American bishop, had such an office been created. It is interesting to note that this liberal priest and his skeptic friend, Henry Callister, united in giving first aid to the forlorn Acadian exiles (*supra*). The former ordered a collection to be taken up, preached a sermon on brotherly love, and showed his own faith by his works in making his personal contribution three times as large as that of his entire con-

gregation.[59] Some time after this, his wife died and his son was drowned at sea. Malicious charges were brought against him, and, in 1758, he removed to Frederick County to take charge of All Saints' Parish. In Frederick he continued his work on behalf of education and helped in 1763 to secure an act to establish a public school in the county. It is believed that this school was merged later into Frederick Academy.[60]

Of William Eddis, the Royalist Proprietary official, one knows little; but his observations upon colonial life in Maryland are invaluable. Concerning colonial manners and customs the following excerpts illustrate the general character of his observations:

> Whatever you have heard relative to the rigid puritanical principles and economical habits of our American brethren, is by no means true when applied to the inhabitants of the southern provinces. Liberality of sentiment, and genuine hospitality, are everywhere prevalent; and I am persuaded they too frequently mistake profuseness for generosity, and impair their health and their fortunes, by splendor of appearance and magnificence of entertainments.
>
> The quick importation of fashions from the mother country is really astonishing. I am almost inclined to believe, that a new fashion is adopted earlier by the polished and affluent American, than by many opulent persons in the great metropolis; nor are opportunities wanting to display superior elegance. We have varied amusements, and numerous parties, which afford to the young, the gay, and the ambitious, an extensive field to contend in the race of vain and idle competition. In short, very little difference is, in reality, observable in the manner of the wealthy colonist and the wealthy Briton. Good and bad habits prevail on both sides of the Atlantic.
>
> The province is divided into forty-four parishes, many of which are populous and extensive. The patronage is solely vested in the governor, who is thereby enabled to provide, in an ample manner, for many worthy and respectable characters; and when all circumstances are taken into consideration, the clergy in this part of the world will be found to possess advantages greatly superior to the generality of their brethren in the mother country. Pluralities have never been admitted, the colonists being universally prepossessed against that practice; and to attempt such an innovation, would excite ferments of a dangerous nature. . . . The holders of church benefices are also happily exempted from the frequent altercations, which unavoidably take place in the mother country, on account of the collection of tythes.[61]

It is interesting to note that Eddis indirectly made reference to Lord Dunmore's proclamation of emancipation. Also in one of his letters, he observes:

> Notwithstanding the climate of North America is less favourable to the constitution of negroes than the European settlements in the Torrid Zone, they nevertheless increase rapidly in almost every part of that extensive con-

tinent. The last importation of slaves into Maryland was, as I am credibly informed, in the year 1769; and though great losses have been sustained in consequence of the war, and desertions to the British standard, their numbers are at least doubled since that time, without any foreign supply. To account for a circumstance, apparently so improbable, it must be observed, that on the American continent, the planters generally adopted a more liberal mode in their African intercourse, than has been pursued in the islands. They did not import slaves for the supply of foreign settlements, but purchased for their own immediate use, without any particular preference to either sex. The consequence is obvious, they have multiplied in due proportion, and notwithstanding the occasional severity of the climate, and the recent calamities of war, their numbers are fully sufficient for their respective occupations.

In regard to the treatment of the negro he had previously written:

The negroes in this province are, in general, natives of the country; very few in proportion being imported from the coast of Africa. They are better clothed, better fed, and better treated, than their unfortunate brethren, whom a more rigid faith hath subjected to slavery in our West India islands; neither are their employments so laborious, nor the acts of the legislature so partially oppressive against them.

Negroes being a property for life, the death of slaves, in the prime of youth or strength, is a material loss to the proprietor; they are, therefore, almost in every instance, under more comfortable circumstances than the miserable European, over whom the rigid planter exercises an inflexible severity.

Restrictions upon the privileges extended to negroes followed upon the abuse of no inconsiderable freedom of movement in earlier days. In 1698, Governor Nicholson wrote:

There hath been imported this summer about four hundred and seventy odd negroes viz. 396 in one ship directly from Guiny, 50 from Virginy, 20 from Pennsylvania, which came thither from Barbadoes; a few others from other places . . . their common practice is on Saturday nights and Sundays, and on 2 or 3 days in Christmas, Easter & Whitsuntide is to go and see one another tho' at 30 or 40 miles distance I have, several times both in Virginy and here met negros, both single and 6 or 7 in Company in the night time. The major part of the negros speak English, and most people have some of them as their domestic servants.[62]

Much later, the diary of Judge Thomas Jones of Patapsco Neck has numerous references to both negro slaves and indentured white servants. In 1780 he is on record as the master of 14 slaves, 20½ horses (the fraction representing part ownership), 37 cattle, 32 hogs, 75 sheep, to which is appended the observation:

My rascel Richard [a white servant] ran away for the 14th time;

but seven days later, occurs the saving notation:

> My rascel Richard returned.

The fact that the old-fashioned judge celebrated the birthday of George Washington as he originally knew it, recalls the difficulties that even the owner of Mt. Vernon had with overseers and his allowance of brandy with a specified number of days off to carouse *ad lib.*

Further notations in the judge's journal read:

> Settled with my scoundrel of an overseer and accepted 13 gals. of peach brandy in satisfaction of the damage he had done me to amt. of £150 at least. N. B. He cheated me with apple brandy. . . . Sick, N. B. Time lost in farming is irrecoverable. Three weeks lost with sickness & wet weather has lost ½ of the crop. . . . Feb. 11, 1789, Gen'l Washington's birthday, 1732.

The judge evidently took life easy; for in 1810 the House of Delegates passed the following resolution:

> Resolved that it is contrary to the genius and spirit of a republic to tolerate a sinecure and that therefore no citizen of this state should retain a judicial office, who does not give a faithful and due attendance on the courts of which he may be constituted a member, however distinguished his talents or however brilliant his services may have been.

CHAPTER VII

The Sovereign State

To continue to the legislatures of these colonies the sole and exclusive right of regulating their internal polity, was our original and only motive.—Maryland Convention, June, 1776.

The political revolution which overturned one form of government in order to set up a different and antagonistic one was attended by no show of violence. The deposed Governor was escorted to his ship with manifestations of personal esteem not unlike those now accorded a retiring President. Apparently, there was not even an effort made by those in charge of the ceremonies to suppress the "clamor" of some who urged that the departing official be permitted to remain as guest or citizen of the commonwealth.[1] The only untoward incident occurred after the Governor had boarded the *Fowey*. This was the action of the British captain who, while receiving the exiled Governor, took occasion also to receive and detain some alleged deserters. Their release being demanded by the Americans and refused by Captain Montague appeal was made to Eden, who professed inability to interfere. Consequently, on the following day, when this became known, the Committee "retained" the remainder of the Governor's personal effects on shore in exchange for the sailors "retained" at sea.

Not only was the departing representative of George III and the Proprietary gently eased away by a gradual and orderly procedure, but the continuance in office of the subordinates of the old régime may be compared with the operation of the merit system in modern civil service. Unmolested, these Loyalists held office until the exigencies of active conflict with the mother country seemed to require a drastic change in personnel. There was, for example, the efficient Mr. William Eddis, who wrote, as late as January, 1777:

The internal government of Maryland is not yet perfectly adjusted, but the arrangements, under the new [State] constitution, are in great forwardness, and will speedily take place in the various departments. Our discharge will, undoubtedly, immediately follow, and we shall be free to shape our course as providence may direct.*

For such officials, for Governor Eden, for the Dulanys, and for all moderate Loyalists who felt forced to leave a land to which they had become sincerely attached, we may well entertain a warm sympathy, combined with a genuine respect for their views. They, with Lord Fairfax, George Washington's friend and first patron, had continued to hope that redress of grievances would be obtained by an appeal to the better judgment of the British Ministry. They believed it to be better to await a change in policy than to offer armed resistance to the most liberal parent government then known. They foresaw a disastrous conflict with the mother country, or a separation that might cause weakly associated English colonies to fall an easy prey to alien nations or to domestic discord.

As another proof of calm adherence to the principles of representative government it may be noted that when the Maryland deputies in the Continental Congress desired the Maryland Convention to express "the explicit sense of the Province in the matter of a general declaration of independence," the Convention stated that it had been empowered by the people to exercise its functions with a view to ultimate reconciliation with the mother country, and that it had no power to commit the Province to any other course; therefore, that this question must be referred to the people as the source of its authority. Since this declaration of self-abnegation came from a body which at this time was exercising the authority of, or at least acting in the stead of, King, Proprietary, Parliament, and General Assembly, its proceedings, including an ordinance ordering its own dissolution, should be widely recognized as a most unusual illustration of self-control in pursuance of a public trust. It should be placed on a plane with the better known events of some years later,

*Concerning the Council of Safety, Governor Eden, not without a certain capable pertinence, wrote: "I presume they must allow that where the Legislative, Judiciate, and Executive Authority and Powers are all lodged in the same persons, a Tyranny is erected." Eden's comment was logical and would have been even more appropriate, if applied to the Convention; but perhaps no assembly or group in all history exercised these triplicate powers with so great a measure of wisdom, moderation, and unselfish devotion to cause and country.

when in the same city and place, General Washington surrendered to the civil authorities his powers and authority as commander in chief of the Continental forces.

When the Maryland Convention had made it clear, first, that it was not subject to the dictation of the Continental Congress; second, that it did not derive its inspiration from the other colonies; and, third, that it would not yield to a threatening, and more or less irresponsible, element within the Province, it summoned the Maryland deputies back from the Congress and calmly laid the matter before the freemen of Maryland. Subsequently to an affirmative popular vote, duly taken and declared, Charles Carroll arose in the Convention of June 28, 1776, to move the resolution that the Maryland deputies should join with the representatives of the thirteen colonies in a formal declaration of independence. And to make assurance doubly sure, now that their course had been determined, the Convention prepared and presented a declaration of the delegates of Maryland, which reads in part:

To be exempted from the Parliamentary taxation, and to regulate their internal government and polity, the people of this colony have ever considered as their inherent and unalienable right; without the former, they can have no property; without the latter, no security for their lives or liberties. . . .*

A war unjustly commenced hath been prosecuted against the united colonies with cruelty, outrageous violence, and perfidy; slaves, savages, and foreign mercenaries have been meanly hired to rob a people of their property, liberties, and lives; a people guilty of no other crime than deeming the last of no estimation without the secure enjoyment of the former; their humble and dutiful petitions for peace, liberty, and safety have been rejected with scorn. Secure of, and relying on foreign aid, not on his national forces, the unrelenting monarch of Britain hath at length avowed, by his answer to the city of London, his determined and inexorable resolution of reducing these colonies to abject slavery.

Compelled by dire necessity, either to surrender our properties, liberties, and lives into the hands of a British King and Parliament, or to use such means as will most probably secure to us and our posterity those invaluable blessings,—

WE, The Delegates of Maryland, in Convention assembled, do declare that the King of Great Britain has violated his compact with this people, and they owe no allegiance to him. We have therefore thought it just and necessary to empower our deputies in congress to join with a majority of the united colonies in declaring them free and independent States, in framing such further confederation between them, in making foreign alliances, and in adopting such other measures as shall be judged necessary for the preservation of their liberties; provided the sole and exclusive right of regulating the internal

*Here follows a list of civil grievances similar to those brought forward by the Continental Congress and adopted six days later.

polity and government of this colony be reserved for the people thereof. We have also thought proper to call a new Convention, for the purpose of establishing a government in this colony. No ambitious views, no desire of independence, induced the people of Maryland to form an union with the other colonies. To procure an exemption from parliamentary taxation, and to continue to the legislatures of these colonies the sole and exclusive right of regulating their internal polity, was our original and only motive. To maintain inviolate our liberties and to transmit them unimpaired to posterity, was our duty and first wish; our next, to continue connected with, and dependent on, Great Britain. . . .

In pursuance of additional instructions received from the people through their county units, the Convention, on July 3, 1776, determined to set up a permanent form of government. For this all-important purpose a special election was ordered.

To prevent any violence or force being used at the said elections [the Convention decreed that] no person shall come armed to any of them, and no muster of the militia shall be made on the day on which any of the said elections shall be held, nor shall any battalion or company of the militia, or any ten men thereof give in their votes immediately succeeding each other, if any other voter who offers to vote objects thereto; nor shall any soldiers in the pay of this province be suffered to collect at the time and place of holding any of the said elections.

The fear of the domination of the military was shown in the provision that all persons who were in the military service (pay) of the State or of the Congress were to be excluded from voting and were ineligible to election as delegates. The 12th of August was fixed as the date for the assembling of the Constitutional Convention, while the pre-Revolutionary body declared itself dissolved on August 1st, the date of the proposed elections, delegating the government of the State to the Council of Safety *ad interim,* or until the new government should be inaugurated. The elections were to be held "*viva voce*, in the manner heretofore used in this colony." Those qualified to vote in the respective counties were freemen of twenty-one years and over, who had fifty acres of land in freehold or property to the value of £50.*

*Subsequently to its organization, the new Constitutional Convention elected a committee "to prepare a declaration and charter of rights, and a plan of government." The committee thus chosen consisted of Matthew Tilghman, the president of the Convention; Charles Carroll, barrister; Charles Carroll, of Carrollton; Samuel Chase; Robert Goldsborough; William Paca; and George Plater. Subsequently Samuel Chase and Charles Carroll, the barrister, resigned their seats in the Convention, together with Brice T. B. Worthington, under circumstances that

On the 17th of September the Constitution of the State of Maryland was ordered printed and distributed; whereupon adjournment was ordered until the sentiment of the Maryland electorate should be ascertained. The Convention reassembled on October 2d; the proposed Constitution was formally adopted on the 8th, followed by a Declaration of Rights which met with formal adoption on the 3d of November—all of which was a proceeding strikingly similar to that subsequently pursued by the Convention of the States nine years later.*

The first General Assembly of the independent State of Maryland met on the 5th of February, 1777; Thomas Johnson was elected its first Governor on the 14th; and Charles Carroll, John Contee, Edward Lloyd, Josiah Polk, and John Rogers constituted the first Executive Council. The new state government of Maryland, despite the activities of the Baltimore Whig Club and similar organizations in the counties, represented a conservative conception of political control. In the first place, the qualifications for the franchise were modeled after the restrictions imposed in 1692, which at that time confirmed by legislative enactments the restraints ordered by the Proprietary in 1681. Hence, in restricting the franchise to property holders, the representatives of the people were perpetuating a system to which they had been long accustomed. That the delegates gave the matter of preserving the control of affairs into the hands of property owners is shown by the restrictions placed upon the powers of the Lower House—restrictions that were more extensive than those imposed upon the popular branch of any other

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reflect credit upon their integrity, regardless of the correctness of their position; and, in so doing, it may be noted that they created an honorable precedent. They had received instructions from a large number of their constituents "enjoining them . . . to adhere to points" which they believed were "incompatible with good government."[2]

*The temper of the times and the trend of events in American history is illustrated in an interesting and perhaps unique fashion in the nomenclature of the Gist family. Mordecai Gist named his first son "Independent" and his second "States." Again, William Gist, Mordecai's cousin, took up his abode in South Carolina, where Mordecai himself died and was buried in old St. Michael's Churchyard. A grandson of this William Gist, born in the midst of the anti-Federalist excitement of 1831, was named "States Rights," and was subsequently a brigadier general in the service of the Confederacy. Still another member of the Gist family, William H. Gist, was Governor of South Carolina and signed the Ordinance of Secession; and it was he who, in 1860, wrote to Governor Hicks asking for Maryland support. On the other hand, several of the Maryland Gists were among the very few representatives of families prominent in Revolutionary annals who fought on the Federal side in the War of Secession.

state legislature created during the period of the Revolution.[3] These property qualifications were in vogue for twenty-four years, when they were abolished, together with the *viva voce* method of voting. Each county was given a representation of four delegates in the General Assembly.* Since, therefore, the smallest county claimed and exercised an equal voting power with the largest and most populous, this inequality subsequently provoked vigorous efforts to change the system. A similar inequality as to the representation granted Baltimore Town likewise provoked debate at the time and inaugurated a controversy which has been continuous ever since. In any event, when the first State Constitution was drawn up, the framers had in view two particular centers of population which appeared to demand special consideration as separate entities. These two centers were Annapolis and Baltimore Town, the former having a population variously estimated at from three to four thousand, and the latter of about six thousand. To these two centers the Convention assigned two delegates each, or half the representation given each of the counties. That the framers of the State Constitution had in mind the prospect of a varying proportionate ratio in population between Baltimore Town and the state is evident in that a section of the Constitution provided that if the population of the former should greatly decrease, it should be deprived of its special representation. On the other hand, it did not provide for any increase of its representation, in keeping with prospective or possible *increase* in its population, however great that might become.[4]

In regard to the rivalry between the Eastern and the Western shores, the journal of the Constitutional Convention for November 3d shows that a proposition was made to embody in the Declaration of Rights a provision which would make it legal for either shore to separate from the other at its discretion. Seventeen delegates voted for this proposition, which had been amended so as to make the separation possible only when a majority of the voters in every county of either shore desired it. Since sixteen of the delegates who voted in favor of the proposition were from the Eastern Shore, it will be seen that

*Representation by counties began in 1659, when four delegates were assigned to each county. Later this was modified in some particulars, but representation on the basis of four each was formally established in 1692.

their action was due to the fear which a settled community, restricted in area, felt in regard to the possibility of the expansion of rival territory. The apprehension of the Eastern Shore may, therefore, be compared to the fear felt by the New England states in regard to various accessions of western territory or states under the Federal policy of expansion from coast to coast. In every case a large and influential element in New England threatened withdrawal from the Union because of this expansion. Commercial concessions and legislative compromises appeared to be the only method of holding these northeastern members of the "Federal compact," as the Union was then termed.

The Constitution of 1777 provided for the indirect election of the members of the State Senate; the fifteen Senators composing that body were to be chosen by an electoral college of forty members. Each of the counties had two such electors; Annapolis and Baltimore one each: and the election was to be held on the first Monday in September in every fifth year. It was provided, also, that nine of the Senators were to be from the Western, the other six from the Eastern Shore. Excepting the general qualifications for electors, there were no other notable restrictions upon the choice of the electoral college. They could select fifteen of their own number, if they desired—the nine from the Western and the six from the Eastern Shore that received respectively the largest number of votes. All nine Western Shore Senators could be chosen from one county—so with the six from the Eastern Shore. These provisions, says McMahon, made the Maryland Senate "the most aristocratic legislative body known to the Union."[5] It is interesting, therefore, to note the hearty approval of this system expressed by Alexander Hamilton, who recommended it as a model of excellence. In his defense of the so-called "aristocratic features" of the Federal Senate plan proposed by the Constitutional Convention, he pointed to the example set by the Constitution of Maryland in the matter of her Upper House. After stating that the Maryland plan had demonstrated its practical value during a decade of successful operation, he declared further that

> the Maryland constitution is daily deriving, from the salutary operation of this part of it, a reputation in which it will probably not be rivalled by that of any State in the Union.[6]

In general, it may be observed that the discussion of the day indicates clearly that the most serious problem which confronted the framers of our Federal and State Constitutions was that of securing a practical system of checks and balances to prevent the disproportionate increase of power on the part of any one arm of the government. They sought the golden mean between the possibility of lodging oppressive power in the hands of the few or permitting the masses to run wild in excesses of sudden emotion or passion. On one hand, whilst overthrowing an established "nobility," they feared the creation of a new autocracy of wealth and position; on the other, they dreaded an irresponsible "mobility," as mass control was then termed. At first, the electors were conscientiously concerned in obeying the solemn obligation laid upon them in their oath of office that they should select only those persons "of the most approved wisdom, experience, and virtue"; and the system seemed likely to provide a group well qualified to administer the affairs of the state. In the course of time, however, powerful commercial and political interests perceived how this plan could be made to serve selfish purposes. In addition, party leaders soon learned to use the Senate as the refuge of defeated candidates, or "political invalids," as they were called in the first half of the Nineteenth Century—the "lame ducks" of later days. Within the space of a generation, therefore, it was generally admitted that not only was the Maryland Senate *"free from the gusts of popular passions,"* as Hamilton put it; but that it was also *"not open to decent ventilation,"* as stated by the Jeffersonian Democrats.

An early act of the Maryland Assembly under the sovereign state deserves special and extended mention as one of the most notable proceedings of the Revolutionary epoch. In recent years, American historians have dwelt at some length upon the story of the trial in 1735 of John Peter Zenger, and the action of a New York jury in supporting the principle of freedom of the press. Fifteen years before, Zenger had been employed as public printer in Maryland under an act of the General Assembly. After his return to New York he was put on trial for publishing a sharp criticism of an act of the chief justice of that colony. The subsequent acquittal of Zenger helped to establish in America the liberty of the press in the sense that the phrase had always

been interpreted: *viz.,* immunity from arbitrary ecclesiastical or governmental interference. It remained for William Goddard, some forty-odd years later, to expand this interpretation, when he succeeded in extending it to include the publisher's right to print independent points of view, regardless of prevailing public opinion, even in time of war.

On February 25, 1777, Goddard's *Maryland Journal* published a Tory argument. It seems to have been written by Samuel Chase under the pseudonym of "Tom Tell-Truth." Actually it was a satirical presentation of the Tory point of view; but the Whig Club of Baltimore interpreted it seriously and demanded of the editor that he give them the writer's name. When Goddard refused the Whigs compelled him to attend a meeting of the Club, and he was ordered to leave the town within twenty-four hours. Since the new state government was not fully established it is not surprising that so powerful a semisecret political organization as the Whig Club was persuaded that anyone so warned would obey its edict without further ado; especially as it was broadly hinted that plenty of tar and feathers were within convenient reach.

Goddard complied with the Club's decree about leaving Baltimore; but he did so in a manner quite unexpected by these ardent Whigs. He laid his case before the Committee of Safety at Annapolis. The Committee turned the matter over to the Assembly, which had come together only a few days before. The new régime was thus put to a severe test; but it met a difficult occasion with a sense of duty and justice. Within a few days, the Committee of Aggrievances and Court of Justice presented a report in which it was declared that the proceedings of the Whig Club in regard to Editor Goddard,

> are a manifest violation of the constitution, directly contrary to the Declaration of Rights assented to by the representatives of the freemen of this State, and tend in their consequences (unless timely checked) to the overthrow of all regular government.[7]

The freedom of the press was thus upheld by the newly constituted authority of the State of Maryland; and to its lasting credit it may be considered its first official action upon a matter of prime political import. Goddard, however, was seemingly not happy unless engaged in an altercation; the more powerful his foe the more eager he was for contention; so had he been in

his clash with the royal mail service; and so had he acted toward the most powerful patrons of his newspapers in Philadelphia and Baltimore. Hence, it was not unnatural for him to rub in his victory over his critics by publishing a pamphlet entitled, "The Prowess of the Whig Club." Thereupon, with less reason than before, Goddard was again "tried" by the Club and again banished from Baltimore. Again he took his case to Annapolis, and again the new government upheld not only law and order and its own dignity, but the freedom of the press in its new and broadest acceptation. The result is a remarkable tribute to the essential soundness and cool-headed ability of those who had created and were carrying on a new government on lines not only equal in orderly procedure to any then in existence in peace or war, but distinctly in advance of their day and generation. The courageous character of this vindication of a principle is rendered all the more remarkable when we consider the influence of those who were thereby rebuked. For example, the Whig who presided at this extra-legal "trial" of Goddard was no less a person than Commodore James Nicholson, Commander in Chief of the Continental Navy. Others prominent in the proceedings of the Whig Club were David Stewart, secretary; Nathaniel Ramsay, Robert Buchanan, Hugh Young, James Smyth, Robert Purviance, Captain Nathaniel Smith, David Poe, and George Turnbull.

Although the Whig Club represented a powerful group of voters arrayed in opposition to the appeal of a single individual, the officials received a formal summons to Annapolis, where they were required to apologize at the bar of the House. In addition, pungently phrased resolutions were passed condemning the mob-like action of the members; and Governor Johnson, of the now fully established state, was especially directed to provide the editor ample protection against "all violence or injury to his person and property."*

*Subsequently Goddard took up the cudgels on behalf of General Charles Lee in the latter's attempt to discredit General Washington. It was this stormy petrel of journalism who, July 6, 1779, published Lee's "Queries, both Political and Military." This time Goddard was forced to publish an apology; but, when things had quieted down and when he had again been assured of protection, he vindicated the liberties of the press by publishing a retraction of his apology, whilst (probably much against their natural inclination) the Council of Safety ordered the Baltimore magistrates who had previously failed to give the editor protection to appear before them to answer for their conduct.[8]

It is now in order to take up the story of the achievements of Maryland in the American Revolution. By far the greater part of the fighting done by Maryland troops was done beyond the borders of the state. In defending others under attack, Maryland was, indeed, defending herself; nevertheless, when it is recalled that, although Maryland volunteers were commendably prompt to go to the rescue of their Massachusetts brethren, few Massachusetts troops were willing to fight for the common cause on battlefields far removed from New England soil. Despite this disproportionate contribution to the comparative numbers of troops engaged on all fronts, the disparity in the space given to these two States in our histories appears to be in inverse ratio to the respective representations over fighting fronts totaling a thousand miles and more. The making of these comparisons should not be regarded in any way as invidious; it is the simplest way to illustrate the services of the only one of the associated commonwealths that won for herself a distinctive title for the military service she rendered: *viz.*, the Old Line State, a distinction which is a more enduring monument than any which the masonry of man can construct.

When war seemed inevitable, the counties of Maryland presented busy scenes in organizing and equipping men for purposes of local defense as well as for service where the conflict had already begun. In a condensed general narrative such as this it is undesirable, even when possible, to dwell upon the numbers enlisted in each county and the various services rendered. In several instances muster rolls have been lost, so that it is difficult or impossible to trace the activities of a large proportion of those who devoted themselves to the Revolutionary cause. Not infrequently the services of a Marylander may be found and traced only by records in some other state.*

Briefly, in addition to the forty companies ordered enlisted by the Convention or "Association of Freemen" of 1775, inde-

*The people of Massachusetts were much more careful in preserving her records. They compiled the names of those who participated even in minor forays and naval attacks along the coast, when embattled farmers were called from their homes to take a shot—and not infrequently a well-aimed one—at hated Hessians or raiding redcoats. President Washington's selection of General Henry Knox, the former Boston bookseller, as Secretary of War, helped the compilation of the records of his own state, with which he was naturally more familiar. It is quite probable that the Marylanders, not realizing the future interest of these compilations, failed to get together the data that Secretary Knox sought and would gladly have put on record on behalf of the Federal government.

pendent companies were being raised throughout the Province. When, at this time, or later, some prominent citizen raised a company largely by his own exertions, and at least partly at his own expense, he was usually rewarded by being chosen as captain; and sometimes officers were elected by the men of those companies which had been raised by the united exertion of the people of their respective communities. In 1776 the Annapolis Convention had ordered every able-bodied freeman (with certain specified exceptions) under arms; and many fines were collected from those who were disinclined to engage in what they regarded as rebellion or treason. Later, however, many of these "Non-Associators" were willing to enlist when their state had openly declared for independence.

It should here be recalled that after the evacuation of Boston the British dispatched a strong naval and military force under Admiral Sir Peter Parker and Sir Henry Clinton to test the temper of the far South. That expedition resulted in one of the most serious reverses known to British arms during the Revolution. Furthermore, this first notable American victory, coupled with the defeat of a large force of Tories at Moore's Creek Bridge took place just in time to give heart to the doubters in regard to the proclamation of independence by the Continental Congress. This campaign had a happy effect in the middle colonies in that it kept seven British regiments away from New York for two months and gave an excellent opportunity to Smallwood and the other Maryland officers to drill their men in the use of arms before they started on their first regular campaign. In consequence of this extra time, of which they had taken full advantage, the men appeared in New York as comparatively well-drilled, well-organized, and well-disciplined troops. Therefore, whatever may have been the services of the companies of Maryland riflemen in contracting the lines of the British around Boston and finally driving them from that city, the achievements of the distinctive and distinguished body of continental troops which came to be known as the Maryland Line began in the New York campaign during the summer and fall of 1776.

In the effort to defend Long Island as the key to the possession of New York, it is now seen that Washington attempted

the impossible. Whoever had control of the sea must eventually win, and the Americans had no naval force. At their leisure the British conveyed forces from Staten Island across to Long Island south and east of the American fortifications west of Brooklyn Heights. The British were under the immediate leadership of General Grant, already known to Marylanders as an officer engaged in the French and Indian Wars; of Lord Cornwallis; of De Heister, commander of the German mercenaries; and Clinton. The day before the British began to land on the shores of Long Island, the Marylanders were ordered to the scene where the attack was anticipated, the battalion marching under the command of Major Mordecai Gist, for Smallwood was detained in a court-martial in New York. In addition to the absence of Smallwood, General Nathanael Greene, the officer who had done most in preparing the Long Island defenses and who knew most about them, was ill. Consequently active leadership fell to Generals Stirling, Sullivan, and Putnam.

The British advanced in three separate divisions, one of which (Clinton's), accompanied by General Howe, circled the American left and got into the rear. From that time on the American cause was lost, irrespective of what the British ships could do, when wind and tide should favor them in cutting off the American forces. With Putnam helpless on the American left it did not take long for De Heister's Hessians to drive back Sullivan in the American center. The only hope of resistance sufficient to assure any portion of the army an escape lay in holding off General Grant's attack on the American right. Here Stirling was ordered to stem the attack, and with him were the troops from Maryland. On the American right, it was happily realized that the only hope of saving what was left of an already beaten army lay in a spirited counter attack upon the confident foe. By this time the British held the routes to the American right and center, and two British brigades were assailing the front of Stirling's brigade. In the rear of Stirling's command was a hitherto uncrossed marsh through which ran Gowanus Creek, a treacherous stream. To make matters worse its only bridge had been burned by a Connecticut regiment in order to cover its hasty retreat, although the bridge itself appears to have been under the control of the American batteries. At this juncture Colonel Smallwood arrived from New York, and got permission from

General Washington to post a newly arrived independent company of New England troops and two field pieces on the American side of the creek with a view to protecting such of his battalion and others as tried to cross; and it is pleasing to note that this company retrieved at least some of the reputation previously lost by the failure of their fellow countrymen.

Meanwhile General Stirling had selected Major Mordecai Gist and four hundred Marylanders to attack overwhelming numbers. It has been said that the charge of the Light Brigade at Balaklava was splendid but that it was useless. Five times the Marylanders charged and fell back from before Grant's regulars in their front; on the sixth the British gave ground; but Cornwallis, De Heister, and Clinton were already closing in on their left and rear. In the effort to cut their way out, the survivors fought the enemy in hand-to-hand combat. As they were entirely surrounded, however, further resistance was useless. Out of the original 400, 250 were killed in battle and 19 succumbed to their wounds. In addition, approximately 100 were less seriously wounded, leaving scarcely a score unscathed; but the heroic sacrifice of the Maryland Four Hundred had saved Washington's army from destruction and had written a glorious page in American history.

Howe did not follow up his advantage, although he still had several hours of daylight. While never energetic in his American campaigns he may have reasoned that further frontal assaults would cost him many men, whilst if he could hold up the American hope of maintaining their position, the British navy would make their capture sure at little sacrifice of life. In any event, Maryland and Pennsylvania troops were given the post of honor in protecting the final retreat of the Americans and their embarkation for Manhattan—all of which was aided by good fortune in the form of a heavy fog.

From this time on, from one rear-guard action to another, during Washington's retreat from Manhattan Island northward and westward, the detailed story of each withdrawal tells of the rear-guard heroism of Maryland troops. In this they had the efficient support and coöperation of their Delaware, Pennsylvania, and Southern neighbors. A few companies of independent New England troops maintained the fame of Concord

and Bunker Hill; but for the most part the militia from these Eastern states cared little for campaigns far removed from their home communities. Though producing the gifted Nathanael Greene, the New Englanders lacked military leaders and masters of drill such as Smallwood, Gist, Williams, and Howard. In order, therefore, fully to understand and appreciate the value of the services of the Maryland Line, it is necessary to know the things that led Washington to call upon the Maryland troops so often, even though their ranks were becoming decimated in the pursuit of such dangerous duties.

Long Island had hardly been abandoned before the British again threw into disorder Washington's plans for withdrawal beyond the reach of the all-dominant sea power of the foe. In September a large part of Washington's army was put in jeopardy by the landing of the British below Fort Washington. This landing was effected without opposition on the part of two brigades of Connecticut militia, who fled at the first fire from an advance force of some sixty British infantry.[9] Smallwood wrote that they couldn't be brought "to stand one shot," and that these troops "were caned and whipped by Generals Washington, Putnam, and Mifflin" (to say nothing of himself), "from the brigadier-general down." Thereupon, the commander in chief withdrew the Maryland regiment from its brigade and ordered it to cover the retreat of his army. Smallwood chose his ground well and held it while the British did him the compliment to refrain from a frontal attack; when his duty was done, he withdrew his men in such good order that Washington was encouraged to restore the morale of the army by making an attack which may be considered a precedent to his Trenton-Princeton campaign at the close of the year. Consequently, the commander in chief ordered Thomas Knowlton to discover and make contact with the British. Knowlton, a hero of Bunker Hill, and his small but efficient body of New England rangers repaid the confidence placed in them. A gallant fight ensued, and when the British were reënforced, Washington sent in some companies of a newly arrived Virginia regiment. They were, in turn, followed up by a bayonet charge of Maryland companies under Price, Richardson, and Griffith—part of the recently created "Flying Camp." This charge drove the British from their position with losses double those of the Americans,

until the troops were recalled by Washington, who declared that this successful sortie on Harlem Heights cheered his men "prodigiously."*

But Washington was obliged to retire from territory commanded, or likely to be controlled, by the British navy. Having posted the Marylanders and other choice troops at King's Bridge to cover his retreat he withdrew to White Plains. Here, on October 22d, he gave battle to the advancing British and Hessian regulars. Again, the American commander in chief was sadly disappointed in the militia, many units fleeing at the first cannonade on the American right held by General McDougall, with whom was Smallwood's Maryland battalion and Captain Alexander Hamilton and a company of artillerymen. Because of the defection of the militia, the Maryland Line was ordered to the foot of the hill to sustain the shock of the advancing British and, if possible, give time for the reforming of troops. They withstood the assaulting columns as best they could; but, overwhelmed by numbers accompanied by fifteen pieces of artillery, they were compelled to give way. Thanks to the stout resistance of this part of his force, Washington retired from White Plains with the satisfaction of knowing that the American army had inflicted more losses than they had received.

Since a British frigate had already succeeded in passing the obstructions in the Hudson, Washington had written to Greene on October 8th that Forts Lee and Washington might as well be abandoned. However, after this word of caution he left the matter to the judgment of his subordinate, who was on the spot. Unhappily Congress chose to interfere, and the instructions from that body were urgent to hold the forts. Greene, therefore, reënforced the garrison—"the worst possible" policy, as one commentator had observed. In brief, only eight days after the commander in chief had written, Fort Washington fell into the hands of the British, despite gallant resistance by the Maryland and Pennsylvania troops, the former under Colonel Rawlings. Sea power played its part, since, on any portion of the American front, the British were able to land forces as they willed. Even after the battle had become hopeless, Rawlings'

*The battle was fought on what is now, approximately, at least, the site of Columbia University. The brave and able Knowlton was killed, and the commander of the Virginia troops, Major Leitch, was severely wounded.

brigade continued the fight for some time and inflicted heavy losses upon Knyphausen's Hessians. Because of the determined stand of the American left, the casualties of the British were greater than those of the Americans, but Colonel Magaw was compelled to surrender the Fort, and with it 2,600 men and precious stores and munitions of war. It was one of the severest blows received by the Americans during the Revolutionary struggle. Major Otho Holland Williams was among those captured. Washington ordered Fort Lee evacuated and commenced a retreat through New Jersey. Extraordinary efforts were made by Washington to raise fresh troops in New Jersey and Pennsylvania, for his army was now cut down to less than three thousand effectives.*

As the British were driving Washington's ragged troops ahead of them through the frozen roads of New Jersey the Howes issued a proclamation of amnesty or pardon to all who would return to their allegiance. Thousands of the citizens of New Jersey responded, and it seemed that the British commanders would do more to defeat the cause of American independence with the olive branch than with the sword. In fact, because the Howes were fighting their fellow countrymen against their judgment and inclinations, they have been accused of deliberately delaying active measures in pursuit of Washington, believing that time would effect a reconciliation. This policy might have been even more continuously successful if the good effects of the proclamation had not been nullified by the behavior of the Hessians. These troops attempted to reproduce in America at least some of the horrors of the age-old warfare which had tended to brutalize much of Europe. By the middle of December handbills were being distributed in Philadelphia telling of outrages upon the women of New Jersey and of the ruthless destruction of property. Because of increasing disorders there General Putnam was placed in military control of the city of Philadelphia, where it seems that the transition from the old

*Congress had made requisition upon the various states for regulars in lieu of militia, assigning to Maryland a quota of eight battalions, or one tenth of the total for the whole country. The Maryland Convention regarded this quota as unfair, since it was based upon the whole population, both whites and negroes. Later, when representation in Congress was under consideration, the Northern states sought to exclude the negroes entirely. Out of the dispute came the "three fifths ratio," under the terms of which five slaves were to count as three freemen.

government to the new had not been attended with the dignified proceedings that had characterized the change in Maryland. Furthermore, many of the people of Philadelphia were fleeing the city, and Congress adjourned to meet in Baltimore.

Washington, however, did not await the response of Congress. Aided in crossing the Delaware by Glover's New England fishermen troops he struck the Hessians at Trenton. The startling success of the sortie saved the American cause. From almost having reached dissolution it became again alive and dangerous. And the victory at Trenton was almost immediately followed by another brilliant stroke at Princeton.*

At this time, Congress appointed five new major generals in Stirling, Mifflin, St. Clair, Stephen, and Lincoln. Benedict Arnold and Philip Schuyler were passed over as the result of General Horatio Gates's scheming. Both Gates and Lee had handicapped Washington in the Jersey campaign, the latter by dilatory tactics or direct disobedience, and the former by feigning illness in order to intrigue with Congress. Congress offset this display of favoritism, in some degree, at least, by granting Washington extraordinary powers for the prosecution of the war. This was done on December 27, 1776, while that body was holding its sessions in Baltimore.[10] In the meantime Washington had relieved Philadelphia, and Congress returned to that city at the close of the winter of 1776–1777, after a sojourn of about two months in Maryland.

In the summer of 1777, several European officers offered their swords to the American cause. The Marquis de Lafayette, landing in the dead of night in South Carolina, had made his

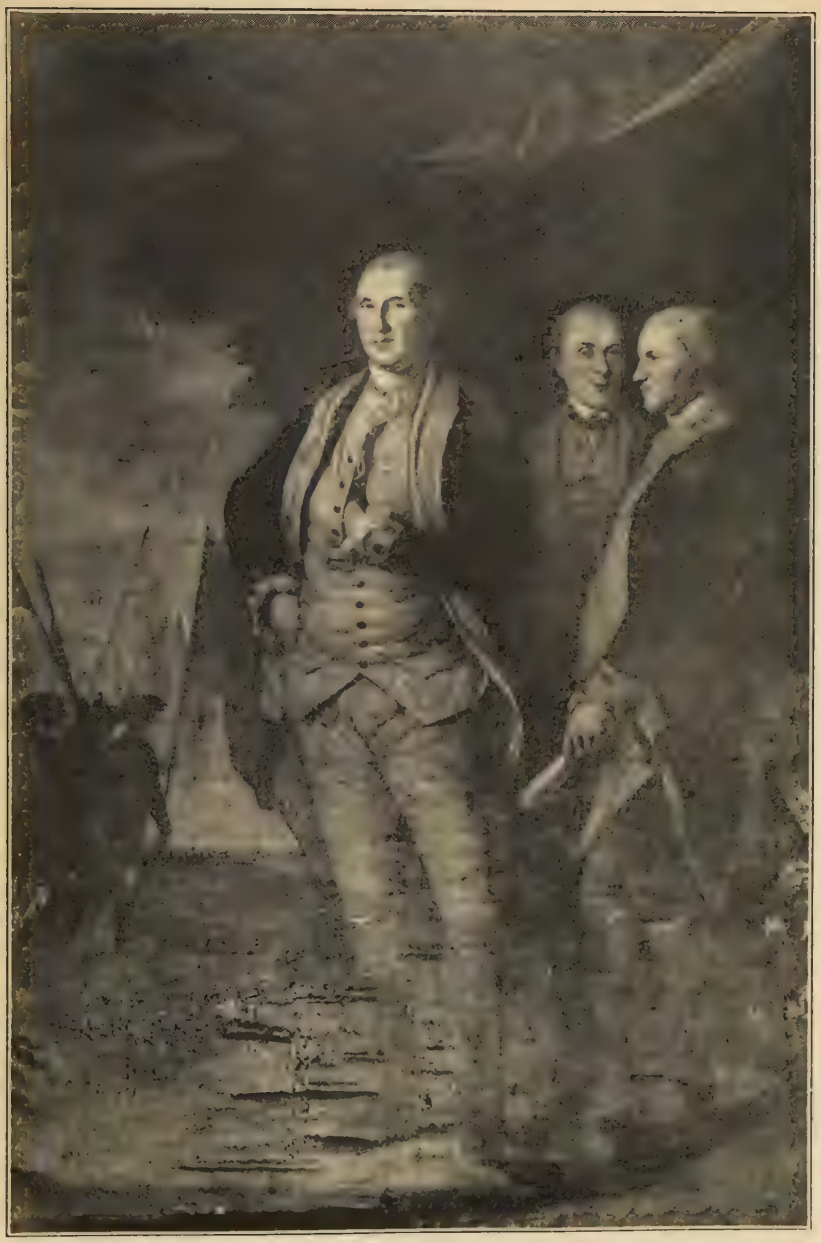
*"The Maryland Line as such was organized between the first and tenth of December; and, during that period, the enlistments in the Continentals from the Maryland Militia were such as to justify Washington in forming them into the various regiments, there having been before that time two or three regiments and a number of independent companies; and, while the records are very meager, it is inconceivable that Washington should have organized regiments in his Continental Army without having men to organize them from; and, as the organization was a divisional one and at that time a division consisted of two or more brigades and a brigade usually of three regiments, on the 10th of December, when the organization was completed there were apparently six regiments of infantry and some other troops from Maryland in the Continental Army. As Trenton and Princeton followed this reorganization within less than a month, I think it is but a fair deduction to believe that a large part of Washington's Army at Trenton and Princeton were Marylanders."—Colonel Washington Bowie in letter to author, June 16, 1928.

way up the coast to join Washington; Baron Johann de Kalb had come over with Lafayette; but Count Casimir Pulaski became best known in Maryland as the commander of Pulaski's Legion, organized in 1778 and composed largely of troops recruited in Baltimore—three companies of cavalry armed with light lances, and three companies of light infantry. Meanwhile, after maneuvering for several weeks Howe embarked in July with more than two hundred and fifty vessels and about eighteen thousand troops. On the 30th the expedition arrived off the Delaware. For three weeks it disappeared from view and no one knew its objective. Washington, therefore, was compelled to consider every possible plan of attack, from a landing at New York to an attack on Philadelphia, Baltimore, Charleston, or Savannah.

Late in August came the news that the great British armada —for such it must have appeared to American eyes—was sailing up the Chesapeake. Governor Johnson, in issuing a special call to arms, directed that two companies out of every battalion should march to join the Continental army at the head of the bay. But the very freedom of a people accustomed to individual initiative worked against the common good. "Here," reasoned the Maryland freemen, "is the British fleet, and here we shall stay to oppose the enemy and protect our homes, families, and firesides."

After anchoring for a while off the mouth of the Patapsco, the British proceeded to the head of Elk. Here the troops were landed without opposition and took up their march to Philadelphia. In Pennsylvania Tory sentiment was again running high. In Philadelphia the Continental capital—if the place of the sessions of the central advisory body may be called by that term—there was a strange mixture of consternation and lukewarmness. Commercial interests and the more conservative element among the people had begun to ask, after some thirty months of warfare that had consisted chiefly of disaster or retreat, if independence were, after all, worth the price. Hence Washington marched his army through the streets of the capital in the hope that a military display might "have some influence on the minds of the disaffected."

When the news of the British invasion of the Chesapeake was



General Washington in company with the Marquis de Lafayette and Colonel Tench Tilghman. From the painting by Charles Willson Peale in the State Capitol at Annapolis.

received the Maryland Line, recently engaged with a British garrison on Staten Island, was soon on its way south to meet the invader. The expedition against Staten Island had created considerable dissatisfaction; but whether that effort were a blunder or not, it was while Smallwood, Gist, and other leaders were absent that the first real failure of Maryland troops took place. This was in connection with the battle of Brandywine, where Washington met the British as they marched north from the Chesapeake. About noon on the day of the battle, after some fighting had taken place, Washington was informed that Cornwallis was marching with a strong force to the northwest. With instinctive good judgment he at once ordered Sullivan to cross the Brandywine and cut off Cornwallis's return while he attacked and overwhelmed Knyphausen's Hessians, who had been making feint attacks all morning in order to give Cornwallis and Howe time to effect their detour. The result of Washington's prompt decision may have spelled a brilliant American victory, but back from Sullivan came a report that Cornwallis was not approaching where he was expected. Greene's men, some of whom had already crossed the Brandywine, were recalled, the opportunity was lost to strike at a divided army, and the ensuing conflict was as hopeless as that of Long Island, except only that the Americans had a path for escape on land.

General Sullivan, who was accused of mismanaging the Staten Island affair, failed at Brandywine to send out scouts, besides neglecting to guard the fords above the forks of the main stream. When, about two o'clock in the afternoon, it was learned that Cornwallis was marching in on the American right and rear, Sullivan was ordered to change his position to meet the British attack. Before, however, he could complete the new formation the enemy fell upon his right wing. The Marylanders under Deborre gave way on the first assault. Other Maryland troops sustained the fight, but the British charge was sharp, and the Marylanders, without their accustomed leaders, gave way. Knyphausen was now seriously attacking at Chads Ford; so that Greene and Washington, hastening up on the right, could do nothing, other than afford protection for the retreat.

While Washington retired toward Reading to protect his military supplies at that place General Howe crossed the

Schuylkill and was soon in possession of Philadelphia. The British fleet with its supplies was still held off by Fort Mifflin, the garrison of which was strengthened by Maryland troops under Lieutenant Colonel Samuel Smith, subsequently to figure in the successful defense of Baltimore against another British attack thirty-seven years later. In the first engagement in defense of the fort, Lieutenant Joshua Barney won distinction in helping Commodore Hazlewood's galleys silence a British battery at the mouth of the Schuylkill. Several sharp engagements followed, in which honors were about even; but when Count Donop attacked Red Bank adjacent to Fort Mifflin the Hessian commander was repulsed with the loss of 500 men out of a total of 1,200. Donop himself was mortally wounded. This repulse was effected by the defenders despite the fire from the British fleet and shore batteries. Two of the enemy frigates were destroyed. This stubborn defense aroused the British commanders, who were now safe in Philadelphia but increasingly desirous of receiving food and supplies by sea. The fleet approached as far as the obstructions would allow; new land batteries and floating batteries opened fire; the works were battered down, and Colonel Smith was disabled. Finally the Maryland contingent and their gallant comrades were compelled to give up Fort Mifflin, and almost immediately thereafter Fort Mercer, on the New Jersey bank, was evacuated.*

Washington, ever on the alert to strike at separate British detachments, large or small, determined to make a night march followed by an early morning surprise attack upon the British at Germantown, and defeat them before Cornwallis could send reinforcements from Philadelphia. Washington's plan appears admirable, and it would seem, after allowing for two unanticipated delays, that but for General Stephen's blunder the assault would have accomplished its purpose as at Trenton and Princeton in the campaign of the preceding year. Briefly, Washington's plan was to attack at five o'clock on the morning of October 4th. Sullivan and Wayne were to move down the Reading road on the right of the British position; Greene was to advance

*After calling for the assistance of a Virginia regiment and one from Rhode Island, Colonel Smith was superseded for a short time by Baron d'Arendt. Smith of Fort Mifflin, and Colonel Christopher Greene of Fort Mercer, together with Commodore Hazlewood, were voted swords by Congress.

upon the British center and right by way of the Limekiln road; the extreme British left and rear was to be turned by Armstrong's Pennsylvania militia, while Smallwood, Gist, and Forman, with Maryland and New Jersey troops were to march by the York road upon the extreme right. The American army started at nine on the evening of the 3d. The regulars of the Maryland Line, consisting of seven brigades, were under Sullivan on the American right, Smallwood and Gist being still separated from them in command of the militia on the far left. After an all-night march the right wing reached Chestnut Hill on time. Here Sullivan was forced to wait two hours for Greene, who had the longer route, to get into position. The morning broke under a dense fog, and the men could scarcely see forty yards ahead, but the Maryland Line responded to every call upon them with successful charges. The British light infantry were driven back under the attack of Sullivan and Wayne, but they were not routed; and it may be noted that several young Maryland officers were giving a good account of themselves; for when Colonel Hall was disabled by an accident the command of his regiment fell upon Major John Eager Howard, who impetuously carried on the attack through the center of the British. Howard's command had captured two guns before the attack was held up by six companies of the British Fortieth Regiment, who had taken shelter within the thick stone walls of the house of Benjamin Chew, late Chief Justice of Pennsylvania. The enemy was in retreat, and even the American commander in chief had passed the Chew house, as Stirling paused for an hour to capture this improvised fort.

On the American left General Greene had not been so fortunate. He had advanced as far as the market place, but one of his regiments had been cut off and captured. This misfortune and the Chew house delay might have been offset in final victory but for the blunder of General Stephen, who, with Charles Lee and Horatio Gates, was to be a third major general to fall into disgrace. Stephen left his line of march with Greene and crossed over toward the American left. He had heard the firing in the rear of the American left and turned his men to face it. Meantime the Maryland Line, aided by a regiment of North Carolinians and part of Conway's brigade, had gone far past the Chew house and, with ammunition expended, sud-

denly were met with the news that "the British" (Stephen's men) were in their rear. Thinking that they were between two fires Wayne's entire brigade fell back. This uncovered Sullivan's flank and compelled him to retreat. The day was nearly spent, and Cornwallis had had time to rush from Philadelphia fresh British battalions. The battle was lost, and Washington ordered a withdrawal, although pursuit by the enemy was effectively checked by Wayne's battery placed on the hill at Whitemarsh. General Sullivan bestowed the highest praise on the Maryland troops for the part they played at Germantown; and Washington retired to Valley Forge, whence he issued orders stationing Smallwood at Wilmington to protect Delaware and the Eastern Shore from British forays and Tory disaffection. For this reason the majority of the Marylanders happily escaped the rigors of the terrible winter in Washington's camp. Furthermore, their enterprise at their post of duty led them to capture a British vessel laden with stores and provisions.*

While Washington had been contending against great difficulties in the Pennsylvania campaign, the combined abilities of Schuyler, Arnold, Morgan, and Stark had led to the surrender of a British army at Saratoga, October 17, 1777. For this exploit, Gates, in command at the close of the campaign, received the credit. In any case, the capture of Burgoyne's army marked a distinct epoch in the War of the Revolution. It led, the following winter, to the treaty with France, a treaty that gave to the American cause some of the sea power which military authorities agree in declaring either essential to success or the deciding factor in the outcome. It is worth while to note that the General Assembly of the free and independent State of Maryland passed upon and approved this French treaty *independently,* as behooved its position as an *associated,* rather than an allied, power.

When the British Minister learned of the signing of the treaty, he sent word to his government, then discussing measures looking toward conciliation with the rebellious colonies. Decision was hurried by the news; so that eleven days after the signing of the first and only alliance ever entered into by the

*On the American left, Smallwood and Forman had been held up by British breastworks at Luken's Mill. The militia had not been able to accomplish anything of importance; but General Sullivan bestowed the highest praise upon the Maryland Line.

United States Lord North announced that the "intolerable acts" would be repealed and a full and general pardon proclaimed. The mother country was prepared to grant everything that had been asked for by the colonies prior to the Declaration of Independence.[11] It was, however, too late; the American colonies had declared for absolute independence and refused to be reunited to the British Empire.

It is now proper to consider the nature and powers of the Congress of what may be called "the allied and associated governments" which had declared their right to independence. As above stated, the very term "congress" was not at that time a word applied to a legislative body; the former colonies were careful not to call this continental assemblage a "parliament"; they did not want a "parliament," which signified control; they wanted a league of commonwealths, with a "congress" acting as a clearing house, an advisory body, or at best, an agent or medium, with certain very limited specified powers any of which could be curtailed or withdrawn at the will of any one of the allied powers. The history of Maryland, as an "associated" commonwealth, shows more clearly, perhaps, than that of any other state the nature of the Confederation, and how the people regard the relation between the state governments and the central organization. Subsequently to the Declaration of Independence, it was found that this "clearing house" for the former colonies must develop at least some well defined functions, if it were to deal, for example, with foreign governments, whose aid it sought on behalf of the common cause; and it must have some federated control of the common operations against the common foe. The committee appointed drew up a programme or constitution; but the matter was allowed to lie in abeyance for some time after John Dickinson and his associates had prepared a plan. What were held to be more important matters occupied the attention of the Congress, which was reported to be "pretty thin"—a common expression for slim attendance. Finally the Articles of Confederation of the first "perpetual" union were agreed to by Congress on November 15, 1777, a decision presumably hastened by the victory at Saratoga.

The subject that most concerned Maryland was the ownership of Western territory. New Hampshire, Rhode Island,

New Jersey, Pennsylvania, Delaware, and Maryland had western boundaries that had been definitely designated. New York, in reality, belonged to this class, although that commonwealth upheld a shadowy claim to Western territory through the Iroquois. On the other hand, by virtue of their sea-to-sea charters, the remaining six states had original claims to the Pacific; although the transfer, in 1763, of the Louisiana Territory to Spain had moved the "South Sea" limit eastward to the Mississippi. In addition, Virginia put in a claim to the country northwest of the Ohio on the basis of the "West and Northwest" Charter of 1609. This claim overlapped the Western extension claims of Massachusetts and Connecticut, which claims, unlike those to the west of Virginia, had been cut by intermediate grants.

The nonclaimant states saw elements of danger to themselves in allowing this extension to their sister commonwealths. Maryland, in particular, would be contiguous to and almost surrounded by a veritable empire in extent were Virginia's claim allowed. The small states argued, with no little show of logic, that if the "extension" states claimed their rights through charters granted by the King of England, then, admitting this royal right, by that very token the King had more recently fixed the bounds of all these states by forbidding the sale of lands beyond the Alleghanies and by uniting that whole territory to the Province of Quebec. In July, 1778, the Articles of Confederation were signed by the delegates or deputies of all the states except New Jersey, Delaware, and Maryland. New Jersey signed in November of that year, and Delaware in May, 1779. Maryland, however, expressed a determination to remain an *associated* commonwealth outside the pale of the formal confederacy until some satisfactory settlement should be agreed upon in regard to the Western lands.*

In the meantime, Virginia had greatly strengthened her claim, or rather had added a new and more powerful one in having, by dint of her own unaided exertions in the use of men and money,

*It is remarkable that this independent attitude did not affect the participation of Maryland in the campaigns of the Revolution. Differences with the Proprietary, it has been seen, kept the Province out of a proportionate share in the French and Indian Wars. In the Revolution, however, the State not only did not lag in its support of the common cause, but did far more than its share in the prosecution of the struggle for independence.

wrested the vast stretch of the Northwest from the British by force of arms. This was accomplished in two remarkable campaigns during 1778 and 1779. Finally, owing to the immovable determination of Maryland, the Old Dominion, for the common good, gave up her claims, thereby presenting to all the states a bond of union in the joint possession of common property. On the first of March, 1781, Maryland signed the Articles; and on the following day the Congress met as the representative body of a confederacy composed of all the States.

It is well to pause a moment over this important decision, even though the pursuit of this topic may run some years in advance of the narrative of events of the war. As early as November, 1776, the Maryland Convention adopted the resolution,

> That the back lands, claimed by the British crown, if secured by the blood and treasure of all, ought in reason, justice, and policy, to be considered a common stock, to be parcelled out by Congress into free, convenient, and independent Governments, as the wisdom of that body shall hereafter direct.

Virginia replied to this resolution of the Maryland Convention that the Western lands had not been secured by the blood and treasure of all, but only by the blood and treasure of Virginians. In fact, Patrick Henry, Governor of Virginia, had sent George Rogers Clark on his notable mission in the name of the Old Dominion only. He protested to the last the action of Virginia in yielding the claims he considered so well established, especially as it seemed that if Virginia had not acted when she did, unaided, the entire territory would have remained in British hands. Nevertheless Maryland made the adoption of the resolution a condition essential to her ratification of the Articles of Confederation as drawn up one year later; and it must be remembered that by the terms of those Articles, the constitution of the Confederacy could not become binding until ratified by all of the thirteen States. Finally, the Congress, on October 10, 1780, pledged the Confederacy to the policy proclaimed by the Maryland Convention of 1776. By formal resolution the States were urged to cede the Western lands to the central government, to be used "for the common good," and the resolution further pledged that all lands so ceded would be formed into States, "which shall become members of the federal union and have

the same rights of freedom, sovereignty, and independence as the other States."

Because of the success that attended the subsequent operation of the plan herein proposed, its daring originality of conception has been comparatively neglected in American history. It must be borne in mind that previously the world had known just two plans for the colonization and development of territorial extensions: first, the old Greek plan, under which colonies became free by separation at once from the mother cities; and second, that of the European countries in the Seventeenth and Eighteenth centuries under which colonies were regarded as united to the respective mother countries, but in a condition of dependence and subordination. For the United States the Maryland Convention of 1776 proposed a new plan which *combined union with equality and freedom.* This was, therefore, an innovation in the field of political experiment. It remained for Thomas Jefferson to step forward at this juncture and devise a specific system of government for all territory "ceded or to be ceded." This plan was to be known as the "Ordinance of 1784." Jefferson brought it forward simultaneously with Virginia's cession of her territorial claims; and perhaps this very act prepared his mind for his subsequent vision in securing an even greater Northwest through the surveys of Lewis and Clark, with the acquisition of French Louisiana—fitting counterparts to this first acquisition of Federal domain.

As previously pointed out, the coöperation of France brought a most important accession of sea power to the American cause, the first effect of which was shown in the evacuation of Philadelphia, which, as the headquarters of the British army, was subject to blockade by the French fleet. Consequently, on the 18th of June, 1778, the British army crossed the Delaware into New Jersey and the war vessels dropped down the river. After the news of the alliance had become known there were those who counseled a general attack upon the British in Philadelphia; but Maryland and New Jersey were the only states that had made up their quotas of troops; and Washington decided to refrain from a doubtful and dangerous assault upon fortified headquarters. When the British were actually leaving, Washington, having foreseen and prepared for the movement,

strongly counseled an attack in force at the first favorable opportunity. Major General Charles Lee opposed an aggressive movement, and his experienced, and therefore supposedly wise, judgment swung the majority of Washington's council against attack. Washington, however, overruled the council—Lafayette, Wayne, Greene, and Steuben agreeing with the commander in chief. With regard to the following clash at Monmouth suffice it to say here that when Washington found Lee in retreat he appealed to Colonels Ramsay and Stewart of the Maryland Line to save the day that had been put in jeopardy of disastrous defeat by the action of their immediate commander. On the left these Marylanders prepared their guns to halt the British advance and give time to the American troops to form for the shock of battle. Thereupon, the British were checked by the unexpected and stubborn resistance of a part of the American army, which, they believed, was altogether beaten. Colonel Ramsay was wounded and taken prisoner, and the Americans forced back on the supporting troops, now reformed under Washington's personal direction, on the right of which was drawn up Smallwood's Second Maryland Brigade. The British, in turn, began to fall back, and one of the American brigades ordered up to secure the day was that commanded by Smallwood. After the engagement, which has been called a drawn battle, Sir Henry Clinton, successor to General Howe, took up his march for New York, and Washington followed to the Hudson. Clinton seemed paralyzed by the threat of Washington on the one side and of the French fleet on the other.*

The year 1779 saw the principal theater of conflict transferred to the Carolinas; but before the fighting began on a large scale in that quarter, Maryland troops engaged in affairs in the middle states. The successful attacks upon Stony Point and Paulus Hook are among the most remarkable minor achievements of the Revolutionary War. In the campaign of 1779 Washington was pursuing a Fabian policy of defense; but in

*In the meantime, among the troops sent to protect New Jersey were those under Baylor, and Pulaski's Legion. Both of these commands were surprised by British detachments and suffered severely. Subsequently, Baylor's men were incorporated in that effective body of troops known as the "light horse," commanded by Colonel William Washington. They were to give good account of themselves in the Carolinas, while Pulaski's Legion were to see service in the storming of Savannah.

order "to reconcile" the people to the plan he felt compelled to pursue, he determined to attack these two strongly fortified positions. If they should be captured he hoped that it would put fresh courage into the hearts of soldiers and civilians alike, as in the successful assaults upon British detachments at Trenton and Princeton.

Stony Point was a rocky promontory on the west side of the Hudson. It was manned by six hundred men and heavily fortified with cannon, besides having its land approach well protected by nature and by rows of abattis. The fort could not be attacked with any hope of success by day, so a night attack under the direction of General Wayne was planned for the 15th of July. After a march of fourteen miles the Americans reached the Point at midnight. Here they formed two detachments designed to attack on opposite sides at the same time, after a small advance party on each side had removed, as best they could, the abattis. The right column had a vanguard of 150 volunteers under Lieutenant Colonel Fleury and Major Thomas Posey. The left was composed of a similar body, mostly of Marylanders, under Major John Stewart. So well drilled were these picked men that no shot was fired, despite the heavy fire of the enemy, after being aroused by the pickets and outposts. The American attacking columns met near the center of the inner fortifications at almost the same moment. Colonel Fleury led the way into the fort itself and struck the British standard, while Major Posey announced: "The fort is ours!" The heaviest loss of the Americans was sustained by the advancing party—the "forlorn hope" sent out to remove the obstructions. All was accomplished principally by the use of the bayonet, in which the Marylanders excelled.

The brilliant capture of Stony Point was, if anything, excelled by that of Paulus Hook, now Jersey City. This assault was entrusted to the youthful Major "Light Horse Harry" Lee. He set out in the morning of August 18th on a longer march than that of General Wayne. The success of the expedition was again largely due to the disciplined valor of Maryland troops; for, as Major Lee wrote to Governor Reed,

> Near one-half of my countrymen left me . . . as I was entering the march. Had I been unsuccessful, I was determined to leave my corpse within the enemy's line. The brave Marylanders stood by me faithfully.

The story of the attack was graphically described by Levin Handy of Richardson's Fifth Maryland Regiment:

> The works were to be carried by storm—the whole to advance in three solid columns, one of which I had the honor to command. The attack was to commence at half after twelve o'clock, but having been greatly embarrassed on our march, and having a number of difficulties to surmount, did not arrive at the point of attack till after four o'clock in the morning, when after a small fire from them, we gained their works, and put about fifty of them to the bayonet, took one hundred and fifty-seven prisoners, exclusive of seven commanding officers; this was completed in less than thirty minutes, and a retreat ordered, as we had every reason to suppose, unless timely, it would be cut off. Our situation was so difficult that we could not bring off any stores. We had a morass to pass of upward two miles, the greatest part of which we were obliged to pass by files, and several canals to ford up to our breasts in water. We advanced with bayonets fixed, pans open, cocks fallen, to prevent any fire from our side; and believe me, when I assure you, we did not fire a musket.*

The Southern states had been free from invasion ever since the disastrous repulse which the British had received off the harbor of Charleston in June, 1776. Now, while Washington and the French fleet were engaged around the apparently impregnable position of the British in New York, the British commanders determined upon overrunning the more sparsely settled states of Georgia and the Carolinas. The colonial troops in that section were composed, for the greater part, of raw militia; and these, here as elsewhere, proved to be no match in open battle against disciplined troops. At the same time, the British had now learned that even these were not to be taken too lightly and that their main bodies must be crushed before they could have a chance at drilling and experience. Consequently the most carefully prepared and most energetic campaign yet mapped out was started, with the result that by 1780 the greater part of the country south of Virginia had been overrun or was under the control of the British.

At this point, it was determined to send the Marylanders

*Major John Stewart was awarded a silver medal by Congress for his gallant action in leading the left wing in the capture of Stony Point. The name of Stephen Stewart, father of Major Stewart, appears at this time in a rôle as worth while if not so romantic as that of his son. He was one of a group of patriots who formed an association to end the scandal of profiteering in salt. The members of this body, for the most part the fathers of soldiers on distant battlefields, bought all the salt in town and county markets to sell it at cost. (*Cf.* Purviance, *Narrative of Events,* p. 87.) The lack of salt was a cause of real distress in several parts of the state, notably the Eastern Shore. It may also be noted that of eleven medals awarded by Congress during the Revolution, two were awarded to Marylanders.

to the aid of the small but increasingly efficient "partisan" detachments led by Marion, Sumter, Pickens, Clarke, and others. In April, 1780, the Maryland Line, under Major General de Kalb, marched through New Jersey and Pennsylvania and embarked at the head of the Elk. Without pause of moment they passed through the state in what must have been to the people of Maryland one of the most thrilling episodes of the war. Marylanders had for five long years fought in and for the Northern states; and now they were marching past their homes and friends at the call of the South. The General Assembly, realizing that a situation had arisen as desperate as any during the struggle, called upon the people to enlist more recruits, to tap new resources, and altogether to show "the world that they were most to be dreaded when most depressed."

De Kalb, in command of the troops from Delaware and Maryland, marched to Petersburg, Virginia, where he learned of the fall of Charleston. He then pressed on to Hillsboro, North Carolina, where he awaited the arrival of the Virginia and North Carolina militia, as well as a new commander in the Southern department. This new commander was made necessary by the loss of General Benjamin Lincoln when the latter surrendered to Clinton at Charleston. In the choice of Lincoln's successor Washington favored Greene, but Congress called for Gates, who arrived at Hillsboro and superseded De Kalb on July 25th. He was received with great enthusiasm, which fact appears to have turned his head against receiving wholesome counsel. Disregarding the advice of those who knew local conditions he refused to take a somewhat longer route southward to meet Cornwallis, by which he could support his army, but persisted in taking a shorter road through a country that could not supply men with food or their horses with sufficient forage. This had a very bad effect, and when infantry and cavalry approached the foe a large proportion of men and horses were unfit.

When the opposing forces had come within easy marching distance of each other, both commanders conceived the idea of making a night march and surprising the other. Both started out on the evening of August 15th. They unexpectedly met halfway and, during a dark and sultry night, began fighting between two and three o'clock. The "French Legion," under Colonel

Armand, was driven back in panic, but Virginia and North Carolina militia closed in and did excellent service in checking the British advance. By chance, the two forces had met at a point which was singularly favorable to the British. The latter had just crossed Saunders Creek, so that their rear and both flanks were protected by swamps. On the other hand, the Americans were advancing through an open wood, and both flanks were more or less exposed. After the initial skirmishes, both armies deployed on either side of the Camden-Waxhaw road and awaited daylight. The regiments of the First Maryland Brigade under Gist and De Kalb were on the right of the road in advance, while the Second Maryland Brigade under Smallwood was stationed three hundred yards to the rear as a reserve, resting upon and on either side of the road. The central advance position was held by Caswell's North Carolina militia, and the left by the Virginia militia under General Stevens. Many of these had never been under fire and had just received bayonets, in the use of which they were not instructed. Recognizing the untrained condition of the militia on the American left, Colonel Otho Holland Williams, but recently released from the horrors of a prison ship, took a number of special volunteers and moved in front to draw the British fire. Attacked by Colonel Webster, perhaps the ablest officer under Cornwallis, the Virginia militia broke after the first fire, and it was not long before the North Carolinians were following their example, except one regiment under Dixon. As the American left and center broke Cornwallis ordered Lord Rawdon to charge the American right; Gist's Marylanders and the Delawareans not only stood firm but counter charged under John Eager Howard. Rawdon was being driven back when Webster reached a position where he could assail the Marylanders from the left. Thereupon, Webster, in turn, was met by Smallwood's brigade. Accustomed to the use of the bayonet, the Maryland Line interlocked with the British on equal or more than equal terms; in fact, the latter were being driven back, and a troop of cavalry would probably have saved the day. Again, however, the American left was exposed —this time, in the case of Smallwood's brigade. The alert Webster took advantage of the opportunity thus offered, and although the Marylanders, supported by the Delaware regiment, continued to contend with the whole of Cornwallis's army, the

result was no longer in doubt. Had it been, the charge of the British cavalry put it beyond question. The brave Baron de Kalb fell fighting and devoted his last moments to writing praises of the Maryland Line and of Vaughan's Delaware Regiment.[12]

No militiaman equaled Horatio Gates's record for rapid retreat. The false hero of Saratoga scarcely paused in his flight until he had reached Hillsboro, approximately two hundred miles from the scene of battle. Congress, however, voted special thanks to Smallwood and Gist. Later that year the former was made a major general, while the latter had been made a brigadier general. Adjutant General Williams and Lieutenant Colonel Howard also distinguished themselves and gave further evidence of cool courage and leadership. Smallwood and Gist remained at Charlotte as their commanding officer fled to distant Hillsboro. With a nucleus of less than two hundred men these two officers gathered their scattered forces; so that within two weeks Smallwood had brought together about one thousand men. Part of these were prisoners of war who had been regained for the American cause by one of Marion's brilliant attacks.

The period immediately following the defeat of Gates, accompanied as it was by the news of Arnold's treachery at West Point, appears to have been considered by Washington as the darkest of the war.

> I give it decisively as my opinion [he wrote to John Laurens after the latter's departure for France] that without a foreign loan our present force cannot be kept together . . . we are at the end of our tether . . . now or never our deliverance must come.[13]

Happily, Laurens was able to get fresh French appropriations even after Benjamin Franklin had failed. Meantime, the battle of King's Mountain had resulted in the annihilation, at this second critical juncture of affairs, of another British army; so that this victory ranks with the capture of Burgoyne at Saratoga, three years before. Linked with Sumter's check of Tarleton, King's Mountain gave time to the Marylanders to help reorganize the Continental army at Hillsboro. Here, in compliance with Washington's orders, the regiments of the old Mary-

land Line were merged into one and Colonel Williams put in command. Supernumerary officers, whose commands had been destroyed or merged, were sent back to Maryland to secure fresh recruits. The General Assembly again divided the militia into classes, each of which was to furnish, in five days, a soldier; and it may be noted that these fresh recruits were to be composed of men either free or slave.*[14]

Nominally, at least, Gates was still in command of the Southern army, with Smallwood ranking next. The latter, as one of the original drill masters of the Maryland Line, was dispatched to the Yadkin to take charge of militia forming there. New forces began to arrive from Maryland and Virginia, besides the Carolina troops now added to the Continental standard. Thereupon, Washington ordered General Nathanael Greene to relieve Gates. Greene was an excellent choice, but at this juncture it was equally fortunate that "Light Horse Harry" Lee was detached from the Northern department and sent South. Besides three well-trained companies of infantry Lee had three companies of much needed cavalry. In Maryland he conferred with the Governor and state council, learned of General Gist's recruiting plans, and hastened South to Charlotte, where his energy and daring brought new inspiration.

As Gates's sun was setting there arrived from Virginia one of the real heroes of Saratoga, a former teamster in Braddock's ill-fated march through Maryland nearly a quarter of a century before. This was that natural genius of the war, Daniel Morgan. Congress had overlooked him; and, after Saratoga, Morgan had retired to his home near the Virginia-Maryland line. He had refused a command under Gates; but when he learned of the disaster at Camden, he again offered to enter active service. Soon Morgan and Howard were to be inseparably linked in the most brilliantly planned and executed pitched battle of the Revolutionary struggle.†

Greene sent Morgan with several hundred men, including a portion of the Maryland Line, across the Catawba to threaten

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*See p. 359.

†Although Greene did not win a victory where he was personally in command, he emerged from the campaign with the reputation of being the second soldier of the war.

the western posts of the enemy. Here Morgan was joined by Pickens and his force of Carolinians. On learning of the American advance, Cornwallis gave Tarleton orders to defeat Morgan's detachment before it became too strong or well organized. Tarleton acted with his customary energy and soon had maneuvered the American back over the Pacolet River to a grazing ground known as Hannah's Cowpens. Cornwallis was also advancing on Morgan's left, so the latter decided to give battle before his pursuers could unite. Like all gifted commanders Morgan had not only thoroughly reviewed the situation but had studied the disposition of his own men and the characteristics of his adversary. Although he knew that he was about to face a superior number of the best British regulars he deliberately chose ground in front of an unfordable stream. He had with him a number of American militia; he knew these men were brave enough, but they had always been accustomed to fighting as individuals and in woods or swamps with Indians as their foemen. Morgan was determined that they should realize that they had nowhere to go but against the enemy. As he himself expressed it:

> I would not have had a swamp in the view of my militia, for any consideration; they would have made for it, and nothing could have detained them from it.

Hence he calmly told his troops that they had to stand their ground in the open since there was no hope for fighting in Indian style or any possibility of successful retreat. To the Marylanders he spoke of their glorious record in the war; of the confidence he had in their skill and courage, assuring them that, with their lines holding firm, victory was certain.[15]

With shrewd common sense Morgan devised a plan that would be most likely to overturn the advantage of the superior discipline of the British regulars. Carrying out this purpose, therefore, he placed, considerably in advance, a front line of skirmishers who were directed to fire in frontier fashion from behind rocks and trees. Having through their excellent marksmanship inflicted what damage they could upon the advancing foe they were to retire. Behind these he placed, in battle array, Pickens's militia. The latter were to fire twice at the enemy and then move to the left. The main reliance was placed upon

troops of the Maryland Line, a little more than a third of Morgan's force of less than a thousand men. These were on the left, where there was most need for men to hold firm in view of the expected retirement of Pickens's militia. Two companies of Virginia militia, who had seen long service, were placed in the center, with a company of Georgians on the right. The small body of cavalry under Colonel Washington was held out of sight in reserve. Having explained the entire plan to the men, so that they would understand the falling back of Pickens, which was intended to deceive the enemy into overconfidence and thus lead to disorder, Morgan took his station and awaited the result with the cool confidence that had characterized Moultrie at Charleston some five years before.

Having done considerable damage the skirmishers and Pickens's militia fell back as directed, and the British advanced rapidly with triumphant shouts, fully expecting a complete rout of the flying Americans. Then it was that Morgan ordered his right to fall back, hold its new position, and give time to Pickens to circle around and rally to its support when attacked. Not understanding the movement, Howard also fell back; but just then word came from Colonel Washington that the British were "coming like a mob—give them fire, and I will charge them." With the foe within thirty yards Morgan ordered his men to turn and fire. This they did, and followed it up with a counter charge just as Pickens's militia appeared on the British left. Although the opposing cavalry—with Washington and Tarleton in personal combat—fought on for a while, the battle was won. Tarleton and a few of his cavalry escaped; the rest of his army was killed or captured, while the American loss was eleven killed and sixty-one wounded. Howard had splendidly retrieved what might have been a disastrous mistake. He had fallen back without orders; hence, Morgan's terse but significant comment:

> You have done well, for you are successful; had you failed, I would have shot you.[16]

Morgan was now hemmed in by rivers as Cornwallis set off in pursuit. In the race that followed fortune favored the Americans; for the rise of the Yadkin and the Catawba, just after Morgan had crossed, enabled the latter to get away and to make a junction with Greene. Unfortunately, however, owing to Mor-

gan's ill health, Greene was to fight the remainder of his campaign without the services of this brilliant officer. Thus, a few days after Maryland had ratified the Articles of Confederation, and John Hanson, of Maryland, had thereby become "the first President of the United States of America in Congress Assembled," the Maryland Line under Greene was doing battle with the ever formidable Cornwallis at Guilford Court House.

In some ways Greene's plan at Guilford Court House resembled that of Morgan at Cowpens, in that the militia was placed in front behind a line of fence. In their rear, however, was forest, which Morgan had taken such pains to avoid. When the battle began the militia ran, although they had two pieces of artillery in their center along the road. The second line, also composed of militia, was routed by the British charge. These likewise took to the woods behind the Maryland Line and the other regulars. The latter immediately counter charged with the bayonet and, as Tarleton reported, the issue was in doubt until Cornwallis had rallied his well-disciplined regulars and had captured the American artillery. After a stiff struggle Greene was compelled to retire, but Tarleton's report paid tribute to the Continental regulars when he observed that "Earl Cornwallis did not think it advisable for the British cavalry to charge the enemy, who were retreating in good order." The American loss in killed, wounded, and missing was 1,311 officers and men; that of the British 544. In this case the Americans considerably outnumbered the British; at Cowpens the British had outnumbered the Americans. It appears likely that, in spite of the early rout of the militia, the leadership of Williams, Gunby, and Howard might have retrieved the day if all of the Maryland troops had responded as did the First Regiment; but, for some reason, the Second Maryland Regiment broke and fled despite all that Colonel Williams could do.

Cornwallis found himself greatly weakened by his losses, and it now became his turn to retire before Greene, who was aided in pursuit by Lee's Legion. When Cornwallis had withdrawn to Wilmington Greene advanced against Lord Rawdon in South Carolina, while Cornwallis determined to march north to unite with Phillips and Arnold in Virginia. In the far South

the campaign was now drawing to a close. The Maryland Line —in large force under Greene, or in detachments elsewhere— was engaged in the battles of Hobkirk's Hill; the siege of Ninety-Six; the capture of Fort Cornwallis, near Augusta; the battle of Eutaw Springs, and minor encounters, while Pulaski's Legion had taken part in the storming of Savannah two years before.

In comparison with the fight near Guilford Court House, Hobkirk's Hill reversed the relative combative positions of the First and Second Maryland regiments; in the latter engagement the Second held firm, while the First broke, a fact which is commented on by historians as being a most surprising circumstance. Greene's plan of battle at Hobkirk's Hill was an improvement upon that at Guilford Court House; but a series of misunderstandings and ill-coördinated movements combined to bring about defeat. If there had been one misunderstanding at Cowpens which jeopardized the success of that battle, there were several such at Hobkirk's Hill; besides, the services of valuable officers were lost at critical periods in the course of events. At Hobkirk's Hill Greene had massed his troops rather than send out his militia in advanced formations. His tactics were somewhat similar to those of Washington at Germantown, in that he ordered cavalry to take the British in their rear. As the British advanced to the attack, the Americans attempted to carry out the plan by which the center was to fall away on either side to give firing room to newly arrived guns, while the Maryland and Virginia Continentals counter charged with the bayonet. At the crisis of the engagement Colonel Ford was severely wounded, and his men hesitated; almost simultaneously the capable Captain Beatty was wounded, and his company fell back in disorder. When Colonel Gunby ordered the retirement of the other companies of his regiment in order to re-form them the movement appeared to be a retreat. Then it was that the famous First Maryland broke, and the day was lost.

This victory had about the same effect upon Lord Rawdon that the victory at Guilford Court House had produced upon the movements of Cornwallis. Rawdon was compelled to retire toward the coast. Shortly afterward he sailed for England, leaving the command to Colonel Alexander Stewart. Early in Sep-

tember Greene advanced upon Stewart at Eutaw Springs, about sixty miles from Charleston. Matters at first went favorably to the American cause. After British foragers, unexpectedly encountered, had been driven in and a second detachment had been routed Greene drew up his men with the militia in front and the Continentals in support. This supporting line was composed of Sumner's North Carolina brigade on the right, Campbell's Virginia brigade in the center, and the men of the Maryland Line under Williams and Howard on the left. The militia held better than their wont under the charge of the British regulars, but as the enemy was gaining over these and pressing back the less experienced North Carolina Continentals, the Virginians and the Marylanders rushed in with the bayonet. The Irish Buffs, to whom the Marylanders were opposed, held their ground with great obstinacy, and officers were engaged in hand-to-hand combat, as well as the men. Finally the Buffs followed the rest of the British line in full retreat. Greene himself rode up to compliment the Marylanders on their gallantry; but a number of the British under Major Sheridan had found a rallying place in a brick house. This delay, as well as that caused by the all too tempting plunder in the British camp, gave Stewart time to re-form his lines in an apparently impregnable position. In attempting to dislodge the enemy Howard was wounded; the British advanced, and the Americans had to yield the field; but again Greene had the good fortune to reap from defeat the benefits of victory. The British in the far South had reached the limit of their resources; and the remaining scenes of major operations were soon to be transferred to the soil of Virginia.

Despite the assumed coöperation of the French fleet the British, for the most part, had remained in control of the sea wherever and whenever they chose to concentrate their efforts. Early in January, 1781, Benedict Arnold, bitter against the American cause but only half trusted by the British, was sent into Virginia. He sailed up the James; and, unopposed, seized Richmond and other points. At Richmond he ordered the destruction of public buildings whilst his men despoiled private property. Smallwood, with little more than a "scouting party of 200 men," did what he could to hamper Arnold, and in one case was successful in attacking, from on land, some of the

enemy's vessels and driving them down the James. Since General von Steuben was advancing on the south side of the river Arnold retired to Portsmouth, which place was fortified and removed from danger of successful attacks by such Continental forces as could then be gathered in the State. From this vantage point Arnold prepared for extensive raids up the Chesapeake, and Maryland once more was threatened with direct invasion, while her main line of defenders was absent on distant battlefields. On both shores of the bay the British fleet engaged in raiding expeditions in which they carried off negroes, pillaged the houses, and not infrequently reduced buildings to ashes. Under these conditions the Tory element were enabled to resume their attacks upon their Whig neighbors, particularly in parts of Somerset and Worcester counties. The people of Dorchester "memorialized" Governor Lee on the matter of the lack of arms; the Governor laid the matter before the legislature; and that body made it possible legally to seize all the available arms in the possession of nonjurors or the so-called "disaffected."

Early in the spring of 1781 Lafayette was stationed for a while at the head of Elk in Maryland, where, with the active coöperation of his aide-de-camp, Major James McHenry, he sought the services of Maryland merchants in obtaining much-needed food and supplies for his men. It was only in this way that the Continental army could be clothed and fed, for Congress was powerless. In the meantime Annapolis had been blockaded by British ships, in which "circumstances," wrote Lafayette, "I thought it better to continue my preparations for a journey by land."*

When, early in April, the news reached Governor Lee that General Phillips had superseded Arnold in Virginia and was evidently planning to effect "a junction with Cornwallis,"[17] the Governor had written an appeal to Lafayette to hold his forces in the state to offer protection for the military stores and provisions at Annapolis and Baltimore Town, which he added, must be "a capital object" of the enemy. Lafayette's reply to this, written at the head of Elk, April 10th, was somewhat non-

*Lafayette had, at no little personal risk, gone down the bay as far as the immediate vicinity of Portsmouth, on a trip of investigation. He reported that the long expected French fleet had not put in an appearance.

committal, but intimated the immediate necessity of marching "into the Southern states." As soon, however, as the troops under Lafayette learned that they were likely to be transferred to the South, a marked spirit of disaffection broke out, and many deserted. As far north as Philadelphia the New England troops had shown a strong disinclination to go South; Washington had attempted to provide against this contingency by urging that "a month's pay in advance in hard money" be granted them. Furthermore, the Pennsylvania troops had actually been in revolt.*

To Lafayette, each river on his route south provided new difficulties, not merely in the matter of crossing it, but in holding his force intact. Occasionally, as at Elkridge, he hanged a deserter as an example to others; and it was at Baltimore that he pledged his private fortune, to the extent of $10,000, for the purchase of food, drink, and supplies for these troops. Thus, wrote James McHenry, the Marquis "has managed to reconcile them to the service." Lafayette even went so far as to try to amuse or entertain the men "by giving to the march the air of a frolic." Hence he adopted the original, and perhaps unique, experiment of giving troops engaged in a military expedition the equivalent of "straw rides"—or, if the straw were not provided, at least transportation in carts and wagons.[18]

Lafayette crossed the Patapsco at Elkridge on the sixth anniversary of the fight at Lexington and arrived at Richmond on April 29th, in time to save military stores from capture by General Phillips. On the 20th of May Cornwallis took command of the British forces in Virginia. A few weeks later General Wayne passed through Frederick en route to Virginia to reënforce Lafayette, who was, however, too nimble for the best efforts of Cornwallis to catch him, despite the fact that the British general had set down his conviction that "the boy cannot escape me." Lafayette had, indeed, stood on the north bank

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*Lafayette had written to his wife: "Human nature has its limits: no European army would suffer the tenth part of what the Americans suffer. It takes *citizens* to support hunger, nakedness, toil, and the total want of pay, which constitute the condition of our soldiers, the hardiest and the most patient that are to be found in the world." It should also be borne in mind that these same mutinous Pennsylvanians gave up, to be hanged as spies, two British agents sent out by Clinton to persuade them to desert, an incident well set forth in the historical film, *Yorktown,* one of the Chronicles of American Photoplays produced by the Yale University Press.

of the James as Phillips and Arnold burned supplies on the south bank. The Marquis had then but 900 men. Shortly afterward he received accessions of Virginia militia; but, as he expressed it, he was "not strong enough even to be *beaten.*" On the 10th of June Lafayette, flying before Cornwallis's rapid pursuit, was joined by Wayne with 800 men of the Virginia Line and other troops. Cornwallis then retired and in August began to fortify Yorktown.

When Washington decided to make a junction with the French fleet and army in the Chesapeake and attack Cornwallis at Yorktown instead of Clinton in New York, the major part of the allied troops and supplies were shipped from the head of Elk and from Annapolis, while the remainder went by land. Moreover, it was principally to Maryland that Washington and Morris looked as the source of supplies for these allied armies; and right nobly did Governor Lee and the state respond to what was to prove the last great call. On the 4th of September a French cutter arrived at Baltimore and heralded the approach of the French fleet. This glad news was relayed to Washington and forwarded by him to Congress.*

On his way south General Washington was met outside of Baltimore by the Baltimore Light Dragoons, but lately returned from service in Virginia. He was escorted to the Fountain Inn,[19] and a formal address from the local authorities was presented to "His Excellency George Washington, Esq., General and Commander-in-chief of the armies of the United States of America." Meanwhile, the Fourth Maryland Regiment, under Major Alexander Roxburgh, had set out from Annapolis to join Lafayette before Yorktown. On September 11th a large body of French troops arrived in Baltimore and encamped in "Howard's Park." On the 14th Washington reached Lafayette's headquarters at Williamsburg, where the French had already effected a junction with the Americans. By the 28th, such was the celerity of the allied movements, Cornwallis was cut off from succor by two fleets and four allied detachments

*Washington wrote to Governor Lee from before Yorktown on October 12th: "Give me leave to return to you my sincerest thanks for your exertions on the present occasion. The supplies granted by the State are so liberal, that they remove any apprehension of want"—possibly the first time the American commander in chief was able to use so happy an expression of gratification.

or armies. Four days later Brigadier General Gist, who had been busily engaged in raising, equipping, and drilling new Maryland levies ever since his return from the Carolinas, left Baltimore to join the army that was gathering about Yorktown.

On September 29th, the allied armies began the enveloping movement which was to prove fatal to British hopes of regaining the former colonies. To the west and southwest of Yorktown French forces were gathered; to the south were contingents from Maryland, Virginia, Pennsylvania, and New York. These were for the greater part regulars, with the headquarters of Washington and Rochambeau to the left. To the southeast were the light infantry, and Rhode Island and New Jersey Continentals, with Virginia militia under the command of Governor Nelson. Colonel Tarleton was stationed across the York River at Gloucester Point. Here he was practically surrounded by Virginia militia and French troops. With mathematical precision and almost mathematical certainty of final success the allied armies proceeded to construct parallels which would eventually command the town. By October 17th Cornwallis gave up the struggle just as Clinton set sail from New York.

As William Dawes and Paul Revere may be said to have inaugurated the Revolution with their ride out of Boston in the early morning of April 19th, so Lieutenant Colonel Tench Tilghman may be said to have heralded the end of the war as he took boat and horse from the scene of Cornwallis's surrender at Yorktown to bear the news to the Congress at Philadelphia. Proceeding up the Chesapeake from Yorktown to Annapolis, and then across the bay to Rock Hall, whence he rode by relay of horses, he arrived at Philadelphia after midnight of October 24th, when he awakened the president of the Congress with the glad news that Cornwallis was captured, whilst the watchman shouted the tidings throughout the town.*

*Cornwallis surrendered some eight thousand soldiers and sailors, the greater part of whom were taken to prison encampments at Fort Frederick in Maryland, and at Winchester, Virginia. Some few hundred negro slaves were retaken. The principal service rendered the American cause by the negroes was given in the raising of crops and supplies. Some negroes saw service on the field of battle, to which brief reference has been made above in connection with the drafting of every fifth man, bond or free. Tilghman's *History of Talbot County* gives the details of the career of a negro slave, Thomas Carney, of Caroline County. In a Maryland regiment Carney saw service throughout the middle states campaigns of 1776, 1777, 1778, and 1779. He also took part in the battles of Camden, Guilford Court House, and Hobkirk's Hill.

Although there was great rejoicing throughout the country the war was not officially over; Maryland and Virginia troops at Yorktown were sent south to aid Greene, whose men were still as badly equipped as those of Pennsylvania had been prior to the mutiny at Philadelphia. Aided and encouraged by these reënforcements Greene again took the offensive, and the British were forced to evacuate Wilmington in January, 1782. On the 11th of July following they abandoned Savannah, and on the 14th of December, Greene marched into Charleston.

On November 4, 1782, shortly before the evacuation of Charleston by the British, Captain William Wilmot, of the Third Maryland Regiment, was one of those engaged in an endeavor to surprise a British supply party at work in view of the garrison of the town. The Americans, however, were driven back by a deadly fire; Lieutenant Moore fell, seriously wounded, and Captain Wilmot was killed. "This," says Garden, "was the last bloodshed in the Revolutionary contest."[20] The British buried Captain Wilmot with all the honors of war. To Lieutenant Moore they showed great consideration. Moore's courage while submitting to amputation of his wounded limb is worthy of record. When Mrs. Hall, in whose house he was lodged, remarked that she had heard no sound from him during the operation he replied, "I wouldn't have sighed in the presence of British officers to have secured a long and fortunate life."

In October, 1775, the Continental Congress had taken up the matter of the creation of a naval force. At first this force was intended to act by way of defense or reprisal, as the delegates to the Congress still hoped that their friends in England would intercede and secure redress of their grievances. In November the act was extended, and in December still further extended, to provide for the construction and equipment of thirteen vessels as the nucleus of a Continental navy. One of these vessels, a frigate named the *Virginia* was, under this act, built in Maryland. The *Virginia,* however, never emerged from the bay; it struck ground between the Capes and was captured by the British.

Before the *Virginia* was launched the *Hornet,* a Bermudan vessel carrying ten guns, and the *Wasp,* an eight-gun cruiser,

were fitted out. In November these pioneers of the American navy sailed down the Chesapeake, escaped the vigilant watch of the British at the Capes, and finally joined Commodore Esek Hopkins in Delaware Bay. The *Hornet* was soon damaged in a collision with one of Hopkins's smaller vessels. What Hopkins's little fleet did in its raiding operations in the Bahamas is of no moment here; but Joshua Barney, whose services were afterward to become so valuable to the American cause, won a lieutenancy for his meritorious conduct in the capture of a British tender. Commodore Hopkins failed to perform the duties assigned to him; he was accordingly censured by Congress; and Captain James Nicholson of Maryland became the senior officer of the American navy.

After the outbreak of hostilities the State of Maryland became engaged in fitting out all types of vessels for operation in the Chesapeake—to rid the bay as far as possible of the smaller vessels of the enemy—and for privateering on the high seas. Marylanders also played a part in the cruises of vessels that had no connection with the state; for example, Samuel Nicholson, brother of the commodore, was a lieutenant under John Paul Jones in the notable battle between the *Bon Homme Richard* and the *Serapis*. Subsequently, as the commander of the *Deane,* he took numerous prizes long after Cornwallis's surrender at Yorktown.*

The subject of privateering, if fully covered, would make a chapter in itself. The operation of privately armed vessels was authorized by Congress early in March and April, 1776—an authorization that had been anticipated by the Council of Safety of Maryland—and a court of admiralty was established for the trial and condemnation of prizes. From April 1, 1777, to March 14, 1783, no less than two hundred and forty-eight privateers of one kind or another were launched against British commerce. These eluded British men-of-war and minor vessels which were regularly stationed at the Capes or within the bay.

Capital from abroad—French, Dutch, and Spanish—was secured for the equipment of these Maryland privateers; Robert Morris was financially responsible for at least one brig-

*The state built and equipped a number of barges. Though almost absurdly small they made up for the lack of armament in impressive nomenclature, having such awe-inspiring names as the *Revenge, Terrible, Intrepid, Fearnaught,* etc.

antine; and many of the early fortunes of Baltimore Town were founded upon these ventures. No doubt they helped greatly to make the war unpopular with the merchants of Great Britain, and the capture of military supplies on the high seas made it possible for the ragged Continentals to keep armed even when they were insufficiently clothed. In the will of William Patterson, the father of "Betsy" Patterson Bonaparte, the following statement is found:

> When the American Revolution commenced, in which I took great interest [*sic*], it appeared to me that one of the greatest difficulties we should experience was the want of powder and arms. . . . This induced me in the year 1775 to embark all the property I then possessed in parts of two vessels and their cargoes, destined from Philadelphia to France, for the sole purpose of returning with powder and arms, and in one of which I embarked myself. One only of these vessels got safe back to Philadelphia, where she arrived in the month of March, 1776, with the cargo intended, and in a most critical time, when it was said that General Washington, then before Boston with the army, had not powder sufficient to fire a salute.

But Maryland seamen did not confine their activities to the capture of prizes. They did not hesitate to do battle with armed war vessels as opportunity or occasion offered itself. As late as 1782 the State of Pennsylvania put Joshua Barney in command of a vessel with a crew of more than one hundred men. While conveying some merchantmen out of the Delaware River Barney met the sloop-of-war *General Monk,* under the command of Captain Rodgers of the Royal Navy. Although the *General Monk* carried an armament of twenty nine-pounders Barney gave battle with his sixteen six-pounders. What he lacked in gun and crew power, he made up in seamanship, for, having secured a raking position, he held it at pistol shot; and the *General Monk* was compelled to strike her colors after an engagement of but half an hour. So deadly was Barney's raking fire that the casualties of the British vessel were twenty men killed and thirty-three wounded. It is interesting to note that the *General Monk* had once been the *General Washington,* which had been captured by Admiral Arbuthnot and placed in the British service under a new name. Barney restored the old name and soon demonstrated her seaworthiness by defeating a British privateer in a naval duel in the West Indies. During the war, British merchants, officials, and press formed the habit of alluding to Baltimore as "a nest of pirates," but the privateersmen

of the revolted colonies were doing to British commerce what their own British predecessors had done to the commerce of Spain during the Sixteenth and Seventeenth centuries—except that in those days the independent English masters and their men did not always await upon, or act in accordance with, a formal declaration of war.

The British responded in kind, and it is well to be reminded, through a review of the fighting actively continuing on the seas, that the war did not end at Yorktown. As late as February 19, 1783, Governor William Paca addressed a letter to the merchants of Baltimore in which he said:

> You cannot be strangers to the depredations daily committed by the enemy in our Bay. Not content with interrupting our trade, they are guilty of the most wanton destruction of property on the shores. Unfortunately for the people who are exposed to their ravages, there is no force belonging to government able to oppose them.

After asking for vessels, equipment, and men the Governor concluded:

> We need not add that the utmost dispatch is essentially necessary in this business. Whaland has taken post with a considerable force, and is building barracks at Cage's Straits, and there are vessels now in Patuxent doing great damage. The warehouses all over the State are in the greatest danger. We send an express with this, and we hope to hear from you by his return.

It would prove tedious to pursue the details of the large number of minor encounters that took place on Maryland soil or in Maryland waters. In addition to the fact that Maryland furnished troops for nearly every battlefield in the Revolution from Massachusetts to Georgia, it should also be remembered that the state furnished men and means beyond the contributions of sister commonwealths for the seizure of enemy supplies and commerce on the seas. Furthermore, because of the expanse of water afforded by the Chesapeake, it is quite possible that there were more disconnected raids and attacks, with consequent reprisals and repulses of the enemy within her borders, than in any other state during the eight years from the opening of the Revolution to the signing of the treaty of peace. In connection with the army quotas we have the contemporaneous testimony—not likely to be partial to Maryland—of

Governor Reed of Pennsylvania, who wrote to General Washington under date of July 15, 1780:

I have never sought after comparisons with other States, but have ever understood that (Maryland excepted) this State always had a greater proportion of troops in the field than any State, unless we reckoned the ill-selected drafts that came in from some Eastern [New England] States, a proportion of which would not pass muster, and the rest went home as soon as they became soldiers.[21]

So many of the Maryland men were from time to time incorporated in companies credited to neighbor states that Governor Johnson wrote in regard to the matter:

We have never had any credit for the men enlisted in our State by Pennsylvania or Delaware, for those of the Flying Camp stopped and enlisted in Philadelphia; there were more than a regiment of the first and three hundred of the latter at least, for those of Count Pulaski's Legion enlisted in this State, of whom we never had a return, they were more than one hundred. . . . Queer, too, what is become of Colonel Hartley's regiment, a great part of it was raised in this State.

CHAPTER VIII

The Confederation

A first attempt to recover the right of self-government may fail . . . yet the object is worth rivers of blood, and years of desolation. For what inheritance so valuable can man leave to his posterity?
—Thomas Jefferson.

Having followed the fortunes of Maryland troops from Massachusetts to Georgia it is necessary to return to Annapolis, where the representatives of the people had set up a Revolutionary government by such orderly procedure as the world had rarely or ever witnessed. It has been seen that the Maryland Constitution called for a meeting of the first General Assembly on February 10, 1777, to elect a Governor and council for that year.[1] Thomas Johnson was chosen over Samuel Chase by a vote of 40 to 9.

Johnson's services in the Continental Congress before his elevation to the governorship of his state had been especially distinguished. Of four Southern leaders in the Congress who had won the highest commendation of that somewhat captious diarist, John Adams, it may be said that Thomas Johnson and Samuel Chase were two, the others being Thomas Jefferson and Richard Henry Lee.

Johnson was inaugurated on the 21st of March, 1777. After the formal ceremonies and the verbal proclamation of the high sheriff that Thomas Johnson was the duly elected chief executive all officials and special guests "repaired to the coffee-house" where the founders of the state proclaimed their physical hardihood and patriotic zeal by drinking to no less than thirteen toasts.[2] On the following day the Council of Safety was dissolved; and it is worth bearing in mind that when like bodies have been called upon to exercise similar functions the same have become instruments of tyranny and bloodshed as in the French Revolution a few years later, and in Russia more re-

cently. With regard to Maryland, however, Hanson aptly reported:

> During the whole memorable interval between the fall of the old and the institution of the new form of government, there appeared to exist amongst us such a fund of public virtue as has scarcely a parallel in the annals of the world.[3]

As early as 1778 the personnel of the Continental Congress had sunk to a low ebb. At this time a conspiracy was brewing to replace General Washington with General Gates. The latter was a prime favorite with the New England contingent, who represented that the New England militia would turn out under him in large numbers, which they would not do under any other commander. General Schuyler was the first sacrifice. The latter wrote to Gouverneur Morris:

> My crime consists in not being a New England man in principle; and unless they alter theirs, I hope I never shall be. General Gates is their idol, because he is at their discretion.

At about the same time, Governor Clinton wrote:

> Connecticut and Massachusetts have not furnished a man for the southern department; nay, scarcely answered the letters sent them. General Gates is ordered to the command of the northern army, and General Schuyler to join General Washington. The New England men will now be gratified, and ought to turn out; but I fear they will not behave better under any command.

This initial success in replacing Schuyler with Gates led an Eastern group in Congress to hope to supplant Washington as commander in chief. Some of the Southern members were alarmed over the possibility of losing the New England states and were therefore inclined to back the movement; but ultimately it met defeat through the determined opposition led by Charles Carroll of Carrollton, Morris, and Duer; and it may be noted that while the personnel of the delegates of many of the other states had deteriorated greatly, that of Maryland had maintained a high standard of excellence. For example, in 1777, a year after the momentous question of independence had been decided, the delegates from Maryland were Samuel Chase, Thomas Stone, William Paca, Charles Carroll of Carrollton, Benjamin Rumsey, and William Smith. In 1778, the representatives from Maryland were Chase, Stone, and Carroll, George Plater, James Forbes, and John Henry.[4]

When the Maryland Assembly met on March 17, 1778, its first act was "for the service of the United States," in order that supplies of all kinds might be methodically, if not drastically, gathered for the use of the American army. In fact, supplies were as much needed as troops; and the "clothier general" held a position which was, at times, as vitally important as that of major general. Perhaps it is no exaggeration to say that Maryland was the most dependable granary or source of food for the use of the American forces—particularly those under the direct command of Washington.*

In 1779, Thomas Johnson had served three one-year terms. Hence, under the limitations of the Constitution, he was not eligible for reëlection. Two candidates were proposed to succeed him: Edward Lloyd and Thomas Sim Lee. The latter proved to be the choice of the Assembly. Governor Lee's first and most important care, like that of Thomas Johnson, was the furnishing of troops and supplies for the Continental forces, to which was now added the necessity of supplying the needs of French allies.

During the war period there were between the House of Delegates and the Senate occasional clashes which recall the previous conflicts between the Lower House and the Council under the Proprietary. In the session of November, 1779, a majority of the House of Delegates made determined efforts to confiscate by wholesale processes the property of Tories in Maryland and those who had fled from the state. It was declared that many of these were using their wealth and best endeavors to promote the cause of the King. In pressing this measure there can be little doubt that, while some were urging it as just retribution there were others who desired confiscation because of personal and private reasons. In any event the members of the Senate, among whom were Matthew Tilghman, Daniel of St. Thomas Jenifer, and Charles Carroll of Carrollton, questioned the justice and expediency of the measure and refused to concur in its passage. After much wrangling between

*"We, yesterday, purchased two hundred blankets, and have about four hundred suits of clothes nearly made up, which we shall send to the Maryland troops, unless you can get them immediately furnished, and shall purchase, at any time, what further may be necessary; for policy and humanity bid us not to rely longer on the *clothier-general*."—Maryland Council, September 17, 1778.

the two Houses popular resentment, due largely to the steady increase of taxes, won over the opposition of the Senate, but not until the session of October, 1780. The state had, like the Confederation, increasing difficulty in maintaining its credit. In effect, the people had no proper circulating medium. Nevertheless, despite the sale of confiscated property, and every device Assembly or citizens could employ, bills of credit issued by the state depreciated. By an act passed in November, 1781, the office of "Intendant of the Revenue," or State Treasurer, was created. Daniel of St. Thomas Jenifer was the first incumbent and served until 1785, when the office expired.*

In 1782 the second "war governor" of the State of Maryland, Thomas Sim Lee, became ineligible for reëlection. Two candidates were nominated to succeed him: William Paca, signer of the Declaration, and Daniel of St. Thomas Jenifer. Paca was elected.

One of the final duties of Governor Lee had been the reception and entertainment of the French forces under Count Rochambeau, while they were quartered at Baltimore preparatory to their departure for France. This he had done in a way most creditable to the state. It became one of the early duties of Governor Paca to send notices to the several counties that peace had been declared. These notices were sent out from Annapolis on April 25, 1783, almost to a day the eighth anniversary of the receipt of the news of the clash at Lexington. Many were the celebrations of the event; and, throughout the towns and villages, toasts were drunk in honor of the occasion.

The departure of Rochambeau brings to mind the fact that, prior to the world-wide observance of the custom, an American patriotic society, in special ceremonies, memorialized in Maryland the "unknown soldier"; for, on the campus of St. John's

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*The confusion in the handling of money must have been infinite. An act of the Assembly of 1781 gave ratings to the following coins as being in general circulation in the state: Johannes, £6; half Johannes, £3; moidores, £2 5s.; English guineas, £1 15s.; French guineas, £1 14s. 6d.; doubloons, £5 12s.; Spanish pistoles, £1 8s.; Arabian chequins, 13s. 9d.; other gold coins (German excepted), by the pennyweight, 6s. 8d.; English milled crowns, 8s. 4d.; other English milled silver, at same rate; French silver crowns, 8s. 4d.; Spanish milled pieces of eight, 7s. 6d.; other good coined Spanish silver, per ounce, 8s. 6d.; any other gold coins of the same fineness, per ounce, £6 13s. 4d.[5]

College at Annapolis, there was erected, April 19, 1911, a shaft in honor of the unknown French soldiers and sailors who died in the defense of American liberty.*[6]

In 1783 an organized group of citizens, functioning after the manner of a modern chamber of commerce, was created at Annapolis. This group united with the Assembly in urging upon the Congress of the Confederation that it make its permanent abode in Maryland. The Assembly set forth the superior claims and advantages of Annapolis as "healthy," "accessible," etc., even to the availability of "many springs of excellent water." By way of hospitality the Assembly offered to present the "Stadt House and Public Circle in the City of Annapolis" (exclusive of schoolhouse, loan office, etc., in said circle) "to the honorable Congress for their use." In addition, the Governor's Mansion was offered for the use of the President of the Congress, and the Assembly agreed to build "thirteen dwelling houses and other buildings, for the residence of the delegates of each of the thirteen Confederate States" at an expense "not exceeding thirty thousand pounds specie."

These resolutions were forwarded to Daniel Carroll and James McHenry, delegates in Congress, who laid them before that body, with the result that the Congress decided, temporarily, at least, to avail themselves of the hospitality offered. Congress adjourned to meet at Annapolis, November 26, 1783. Sufficient delegates for a quorum did not, however, arrive until December 13th, when nine states were represented. Edward Lloyd and James McHenry represented Maryland, while in the Virginia group one reads the names of "T. Jefferson" and "J. Monroe." A foreshadowing of the call for the Constitutional Convention of the United States is intimated in the words of welcome addressed to General Washington subsequently to his arrival at Annapolis on December 19th, in which the Assembly's special Committee vouchsafed the significant declaration that *"if the powers given to Congress by the Confederation should*

*This shaft was erected by the Society of the Sons of the Revolution, after the memorial movement had been inaugurated by the Maryland branch of the national organization, at the instance of Daniel R. Randall. On the occasion of its unveiling, Ambassador Jusserand described the memorial as "unique," and President Taft declared that "the very impersonality of the occasion makes it distinctly the gratitude of a Nation to a Nation."

be found to be incompetent to the purposes of the Union, we doubt not our constituents will readily consent to enlarge them."

Having signified his intention of retiring to private life, the victorious commander in chief of the Continental armies prepared formally to resign his commission. This event took place in the State House on December 23, 1783. Care was taken to make the proceedings properly impressive; it is especially significant that no little consideration was given to subordinating military pomp to civil authority. Despite the paintings of artists to the contrary, President Mifflin and the members of Congress were directed to follow the ancient English custom of remaining "seated and covered" during the ceremony. Every detail was provided for, even to the general's bow upon his departure and the salutation of the delegates in return, who were to uncover without bowing. It was altogether most appropriate that this act of self-abnegation on the part of America's most successful soldier should have been enacted in the capital of a commonwealth which had guarded with exceptional jealousy, and on principle, the natural rights and civil privileges of the individual against usurpation or aggression from any source whatsoever.*

Shortly after the signing of the peace treaty, Sir Robert Eden returned to Annapolis. With him came noted Loyalists followed by many of the rank and file desirous of retrieving or regaining some or all of their possessions. The former Governor under the proprietary régime aroused popular resentment, particularly the animosity of those who had bought or secured confiscated estates, by attempting to resume possession of the property which the Proprietary had abandoned. He went so far as to issue patents to vacant lands, but was persuaded to desist. Furthermore, Henry Harford, the last Proprietary, sought repossession through the General Assembly, which body then proceeded formally to pass upon the case of the Loyalists *en masse*. The latter were treated with scant courtesy in the newly established state democracies. After stating that the war re-

*The accounts of the scene in the Maryland *Gazette* are singularly infelicitous. The following comment may be quoted: "Few tragedies ever drew so many tears from so many beautiful eyes as the moving manner in which his Excellency took his final leave of Congress."

sulted from the unwarranted aggressions of the British government, that Harford had clung to that government, and that he should rely upon it for compensation for his losses, the Assembly, in formal resolutions, concluded:

> However rigorous the confiscation of the property of British subjects might appear, abstractly considered, the act of seizing and confiscating that property, under the circumstances and with the restrictions it was passed, we are convinced, was perfectly justifiable. The severity of the measure long delayed its adoption, and that delay mitigated its severity by affording to every British subject the opportunity of avoiding the consequences of the confiscation act.

Many members of the intensely partisan Whig Club, in Baltimore, were less judicial in their language and showed a desire to vent their resentment in specific acts of intolerance. They evinced the mob sentiment then widely prevalent—a not unnatural, though none the less unfortunate, spirit which visited untempered odium upon moderate Loyalists desirous of becoming a helpful part of the new order. The active Whig element were as severe upon their former neighbors as upon those who had committed unforgivable outrages upon defenseless inhabitants of an invaded country. On the other hand they welcomed former British soldiers who were preparing to settle in America. Here, as on many other such occasions, the actions of the whole body of those protesting were changed by the extreme desires of the more partisan. The resolutions, as passed by a Baltimore town meeting on June 21, 1783, declared among other things:

> That all refugees having opposed the establishment of the independence of America should not participate in the advantages thence accruing, and ought not to reside among us,

and that the representatives of Baltimore in the Assembly should consider themselves instructed to secure legislation to prevent the return of all Loyalists.[7] The Confederation was weak, its credit poor, and it was well known in America that practically all British and European statesmen were predicting its certain dissolution. It was, therefore, easy to spread the report that the Tories were returning in order to be in position to take advantage of the threatened collapse in the affairs of the newly established and loosely knit Confederation. It was not until after the Federal Union had begun to function that this

attitude of uncompromising opposition gave place to a desire of the various communities for man power to develop the ever-growing West and to fill the places of those leaving the East for the frontier.

In the development of this frontier Washington became a leader. His theory was excellent; but, unfortunately for all concerned, some of the methods he advocated proved impracticable. The principal mistake made by Washington lay in his initial belief that it was feasible to open the Potomac River for inland navigation westward as far as Cumberland; yet, if Washington erred in this, he went to an extreme of persistence largely because of the advice, reports, and recommendations made by Charles Beatty and Normand Bruce, sent out to make a survey of the Potomac. Upon the definite news of the declaration of peace these men had been appointed by the General Assembly of Maryland to look into the matter of improving the navigation of the river. On November 15, 1783, the Maryland surveyors, or investigators, reported to the Assembly that the Potomac could be made navigable from the Great Falls, which was near the home of one of them, to Fort Cumberland, beyond the home of the other. The cost of the project, they estimated, would not exceed $92,000. The Assembly took no action in the matter at the session of 1783; but the project became a subject for the most extended discussion and agitation in Maryland and Virginia; and, to some extent, at least, in Pennsylvania also. Momentum was added to the agitation for opening up the waterway by General Washington's renewed activities in its favor, activities he had begun before the Revolution, despite the fact that opposition was voiced by the merchants of Richmond, who disliked to see the Potomac trade developed at the possible expense of that on the James. Likewise many of the merchants of Baltimore feared that the proposed water route would take away trade from the overland route through Frederick. Their alarm, Washington honestly admitted, was "perhaps not without cause."

While the people of Maryland were discussing the surveyors' report, Washington recommended to the Virginia Legislature that deputies be appointed by the states of Virginia and Maryland who should meet in conference to draw up a navigation

measure that would prove agreeable to both commonwealths. Virginia acted upon the recommendation and appointed Generals Washington and Gates—the latter not a particularly happy selection from the personal standpoint of the distinguished petitioner—and Colonel Blackiston, who, it turned out, was unable to serve. The proposition having met with favor in the General Assembly of Maryland, that body appointed a similar committee to meet and entertain at Annapolis the Virginia commissioners.[8]

These meetings resulted in the formation of the Potomac Company, and the two states became shareholders in the proposed development designed to secure communication by water to Fort Cumberland or beyond, and thence by road to the waters of streams flowing to the west. The duly authorized stock sold well, and the Potomac Company, with George Washington as its first president, began operations May 17, 1785, in the belief that the work could be done in three years. It was discovered, however—as late as 1820—that twelve times that period would not suffice. The project was then abandoned for the construction of the Chesapeake and Ohio Canal.

In any event, the idea of making use of the Potomac had stirred the inventive genius of a Marylander, James Rumsey, to whom must be given the credit of propelling the first boat by steam. During the 174th Session of the General Assembly (1784)[9] the legislators provided for the incorporation of the Virginia Company and invested James Rumsey with the exclusive privilege of making and selling his craft "for navigating boats against the current of rapid rivers at a very small expence." There was no central patent office for the Confederation, and this patent applied solely to the creeks, rivers, and bays within Maryland. At that time inventors were obliged to get patents in several states more or less simultaneously if they hoped to protect their products, a method which Rumsey, perhaps largely because of advice from George Washington, followed. In view of the fact that this achievement has been slighted in American history, it is well to go into some detail as to Rumsey's procedure.

Early in 1784, or shortly after his return to Mt. Vernon, George Washington wrote the following deposition:

I have seen the model of Mr. Rumsey's boat, constructed to work against the stream, examined the powers upon which it acts, been the eye witness to an actual experiment in running water of some rapidity and give it as my opinion, although I had but little faith before, that he has discovered the art of working boats by mechanism and small manual assistance against rapid currents; that the discovery is of vast importance; may be of the greatest usefulness in our inland navigation, and if it succeeds, of which I have no doubt, that the value of it is greatly enhanced by the simplicity of the works; which when seen and explained, may be executed by the most common mechanic.

Given under my hand at the Town of Bath, County of Berkeley, in the State of Virginia, this 7th of September, 1784.

Some earlier writers have assumed, because General Washington did not specifically mention the mode of propulsion, that this working model was propelled by means other than steam.[10] This omission is duly explained in Washington's later correspondence, which shows that he was fearful, for Rumsey's sake, that the idea would be stolen or appropriated before Rumsey's application for patents could be confirmed. It explains, also, why Rumsey made his first experiments at Sir John's Run by night.[11] Furthermore, it must be borne in mind that Rumsey was almost wholly lacking in resources and that he had but the simplest and most inadequate machinery or equipment. In the craft seen by Washington the most vital part of the boat's mechanism, the boiler, was a converted kitchen kettle or great iron pot with a lid fastened by rivets, bands, and solder.[12]

The inventor had troubles, and these were legion. As he worked away for many weary months his neighbors shook their heads and held he was shiftless; for the most part, indeed, they called him "crazy Rumsey." Nevertheless, at Shepherdstown, Virginia, whither he had been taken from Bohemia Manor as a child, and where he had married, he continued his experiments with the help of his two brothers-in-law, who appear to have been singularly attached to him and ever hopeful of his final success. However, not all of his neighbors thought Rumsey "crazy," as may be seen by the following letter, which is reproduced with all its quaint orthography:

Balt. Town, Aprill 25, 1786.

Sir

By meer accidents I this day Met with Mrs. Rumsey and your Brothers by whome I have the Satisfaction of hearing of your Boat Skeem answering your Expectations fully—Next news I hope to hear will be his Excellencies Gen. Washingtons approbation in Publick print—and be assured Sir, I shall never Rest until I see the Performance myself therefore I hope you will wright to

me fully on the matter in your next, which I shall expect to receive By Mr. Steuart or Some Safe hand, and then I shall give myself the Pleasure of waiting on you at the Great falls, etc.[18]

[Signed] CHARLES ORRICK

Subsequently to his first experiments near Bath or Berkeley Springs, Rumsey succeeded in interesting Thomas Johnson, the former war Governor of his native state—probably through Washington's good offices. Johnson was the owner of Catoctin Furnace, near Frederick, where some of the machinery of a larger freight and passenger boat was forged, the boiler, cylinders, pumps, and pipes for which were made by Christopher Raborg and Charles Weir of Baltimore. Other portions were made at the Antietam Iron Works. Finally the vessel was assembled near Shepherdstown and floated down the Potomac to the junction of the Potomac and the Shenandoah rivers (Harpers Ferry), where Rumsey was engaged in work for the Potomac Company. Here, after installing the various parts, including the tubular boiler, which had superseded the ancient kettle, Rumsey and his co-workers made a trial trip at night in preparation for a public demonstration in Shepherdstown. Upon this trial trip, with the inventor and four men on board, the boat was making fair progress against the strong current; but, unhappily, as the craft was about to dock, a defect in the boiler developed, and the vessel had to be propelled to the shore by poles. Before repairs could be completed it was badly damaged in a freshet, so that it was not until late in the year that Rumsey was ready for the crucial test at Shepherdstown. This took place on December 3, 1787, and great was the excitement when the people on shore saw the first steamboat, with six passengers on board, formally launched and proceeding up the river. Major General Horatio Gates, with several other officers of the Revolution, was an eyewitness, and tradition has it that when Gates saw the boat turn about in midstream and proceed up the river he exclaimed in great excitement: "My God! it moves!" The boat attained a speed against the current of about three miles an hour; and in a second test, a few days later, it improved this rate by some thirty per cent.

"Crazy Rumsey" had now become famous. He went to Philadelphia, where Franklin organized the "Rumseyan Society," of which he himself was President. With the help of the Society,

Rumsey sailed for London to secure financial aid in the construction of a much larger vessel. There he died on the eve of the trial trip of the largest boat he had yet constructed. In his letters home he told of his meeting with the portrait painter, Benjamin West, and of West's young pupil, Robert Fulton.*

At the close of the Revolution Congress had set about adopting ways and means of meeting the public debt incurred by the Confederation. Consequently, that body had appealed to the states to grant the power to tax imports for the purpose of raising revenue. Maryland finally agreed to some form of tariff taxation under the Confederation; but other states dissented and the plan failed. The states continued to impose varying duties under their respective governments. It was largely because of variations between the imposts of Virginia and Maryland that, after repeated conferences, the most important of which was held at Mt. Vernon, there came a call from Maryland for a meeting of delegates from those states which bordered upon the Chesapeake and upon the Delaware and the Susquehanna. When these resolutions reached Virginia the legislature of that state issued a call to *all* the states

to examine the relative situation of trade of the said States, to consider how far a uniform system in their commercial regulation may be necessary to their common interest and their permanent harmony.

These resolutions were forwarded to the Maryland Assembly. The House of Delegates assented, but the Senate refused to consent on the ground that the proposed meeting

may be misunderstood or misrepresented in Europe, give umbrage to Congress, and disquiet the citizens of the United States, who may be thereby led erroneously to suspect that the great council of this country wants either the will or the wisdom to digest a proper uniform plan for the regulation of their commerce.

The Senators argued further that

The power must be given to Congress to effectuate any system which might be adopted by the proposed meeting of commissioners. When the power shall

*Rumsey's craft was propelled by the suction of water at the bow and its ejection at the stern. In 1809, sixteen years after the death of Rumsey and two years after the launching of Fulton's *Clermont,* James Sharpless defended, as against John Fitch and others, the prior claims of Rumsey to the distinction of inventing the steamboat. He wrote to that effect to Dr. J. K. Mitchell, noted father of an even more distinguished and versatile son, Dr. S. Weir Mitchell, physician and novelist of Philadelphia.[14]

be vested in congress by all the States, that body, we doubt not, will be willing and competent to form an equal and judicious system for regulating the trade of these States.

Because of this action on the part of the Maryland Senate, the Old Line State, while entertaining at Annapolis delegates representing New York, New Jersey, Delaware, Pennsylvania, and Virginia, did not officially participate in the meeting. John Dickinson, a delegate of Maryland birth, but destined to be in turn President of Delaware and of Pennsylvania, was elected chairman of the meeting. On account, however, of the non-participation of the hostess commonwealth and the absence of representatives from other states, the Convention determined not to pass upon the general situation, but to recommend that all the states send

commissioners to meet at Philadelphia, on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled, as, when agreed to by them, and afterwards confirmed by the Legislatures of every State, will effectually provide for the same.

Consequently, the Annapolis Convention adjourned after a brief, but momentous, three days' session, after transmitting copies of their report to the states and one to the Congress of the Confederation.

The Virginia Legislature acted promptly and appointed George Washington, Edmund Randolph, John Blair, George Mason, James Madison, George Wythe, and Patrick Henry* as commissioners to join with those of the other states

in devising and discussing all such alterations and further provisions as may be necessary to render the Federal Constitution adequate to the exigencies of the Union.

The formal resolution of Virginia was transmitted to Maryland, and this time the Senate took the initiative in securing the adoption by the Assembly of a report which authorized the participation of Maryland in the proposed convention in Philadelphia.

These proceedings took place in the Assembly session held at

*Henry declined to serve.

the close of 1786 under the administration of Governor William Smallwood, who had succeeded Paca in 1785. It was not, however, until the special session of April 10, 1787, that delegates were appointed to represent the state at the Philadelphia Convention. The delegates then elected were Charles Carroll of Carrollton, Robert Hanson Harrison, Thomas Sim Lee, James McHenry, and Thomas Stone. In the group appointed there were several declinations; so that those who finally attended the Convention were James McHenry, of the original number, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin.

It is by no means unlikely that the action of Virginia and Maryland, first, in promoting meetings for the settlement of trade difficulties between those states; and, second, in calling for a general convention, saved the Union from serious difficulties or complete disaster. Although the people of the separate states were capable of self-government, yet all together had incurred a general debt; and the Central Congress responsible for the obligations incurred was rapidly disintegrating. This disintegration was due almost wholly to interstate jealousies and discords. Apparently all wars may be traced directly or indirectly to trade disputes and discriminatory duties, tariffs, or imposts; and the tariffs leveled by the respective states against the products of other states had begun to provoke open hostility among them. Had the states been willing to grant the central government power to levy imposts for revenue purposes the national credit might have been established. In 1781–1783 all the states but Rhode Island had assented. In 1786 New York became the exception. Consequently, to the far-sighted statesmen of Maryland and Virginia, "revolution or anarchy were the alternatives." By "revolution" they meant a change in the form of the Federal government. In each of the states there were leaders who were in agreement with those in Maryland and Virginia; but those in Virginia and Maryland took the first steps to remedy the conditions that had arisen. There can be no reasonable doubt, also, that Washington's name at the head of the Virginia delegation lent prestige to the Convention plans.

The Constitutional Convention was in session from May 25 to September 17, 1787. Seventy-three delegates—or "deputies,"

as they were frequently called—were appointed by the various states, but only fifty-five attended. The nonappearance of the eighteen is not so remarkable as it seems; for George Washington himself was, for some months, hesitant about attending, not because he was not desirous of having the Federal form of government radically altered, but because he was pessimistic about the outcome. Of the representatives of Maryland in the Constitutional Convention, Martin was a dominating figure—always on the side of the preservation of the prerogatives of the states as against eventual or potential aggression by centralized power. In the glamour of the success of the establishment of the Federal government upon the ruins of the weak Confederation, it has long been the custom to over-rate the views of the centralists and under-rate the opinions of the advocates of reserved powers. Hence, it is well to pause for a while to review the career of this champion of the state rights group.

Luther Martin was born in New Jersey but had taken up his life work in Maryland. He was well fitted to associate with the especially experienced delegates of his native commonwealth, who, like himself and his fellow delegates from Maryland, argued for the claims of the small states. At the time of his appointment as delegate to the Constitutional Convention Martin was Attorney General of Maryland, as his former colleague, Paterson of New Jersey, was Attorney General of that state. After graduation from Princeton College in 1766, he had taught school in Queen Anne's County; subsequently he had taken up law and had built up a highly successful practice. Martin arrived at the Philadelphia Convention when the discussion of the representation of the states in the Senate was at its height.

In striking contrast to the views of Luther Martin were the aristocratic centralization ideas of Alexander Hamilton, who frankly acknowledged himself "not to think favorably of republican government." He believed and stated that the British government, as it then existed, was "the best in the world, and he doubted much whether anything short of it would do in America." He particularly commended the House of Lords as "a most noble institution." In short, Hamilton desired to have a chief executive (or President-Monarch) elected for life by the well-born and the well-to-do; an Upper House composed of Senators chosen for life by indirect election; and a Lower House

chosen by freeholders, whose action was to be controlled by the absolute veto of the executive. Furthermore, so great a distaste had he for the exercise of local self-government, deemed essential by Marylanders, that he advocated the appointment by Federal authority of the governors of the various states. He even urged, through these Federal-appointed executives, the exercise of an absolute veto upon all state legislation.

Martin became largely responsible for the first great compromise which made possible the Federal Constitution, even though he did not assent to the final form of that document or affix his signature to it. In his longer arguments—so it was said by Yates and other associates—he was "diffuse" or "desultory." On some points he was sharply criticized by Madison; but, diffuse or not, Martin's powerful appeal led to the appointment of a special committee to consider the matter of representation. He was made a member of this committee, whose report brought conviction to the Convention that the states, both large and small, should be given equal representation in an Upper House. Had equal representation in the Senate been denied by the Convention it is difficult to believe that the small states would have ratified the Constitution. The people of the smaller states feared the domination of those states which had possibilities of vast expansion. The champions of state rights contended that the true protection of the rights of private citizens lay in the exercise of the largest possible measure of local self-government; that if a Federal legislature were to make the laws affecting the habits and customs of widely differing communities, the fundamental principle for which Americans had contended in the Revolution would be bartered away for the pottage of immediate profit.

Since Maryland had within her borders—especially in the eastern section—a large number of negro slaves the state was vitally interested in the debate concerning the basis of representation in the Federal Legislature; but any discussion of this matter without its historical background creates a serious misconception as to the resultant agreement. In the matter of representation the states having large numbers of negroes sought to count these as population, although they had no voice or part in political affairs. On its face this proposition now seems unfair, and the accepted solution of five to three seems only less

so; it was James Wilson of Pennsylvania who proposed the plan under which five slaves should count as three free persons. Wilson was familiar with the proposal of the three-fifths ratio that had been brought up under the Confederation. At that time, when it was proposed to tax the states in proportion to population, it was agreed to count slaves on a three-fifths ratio. Nevertheless, John Adams and others insisted that slaves were producers of wealth just as the white free laborers of Massachusetts; and he further declared that many free laborers were in more "abject" circumstances than negro slaves. The Wilson ratio was adopted.*

Another difficult problem arose as to the further importation of negroes from Africa or elsewhere, together with the regulation of commerce, including the fixing of tariffs or imposts on imported goods for the benefit of American manufacturers over and above the raising of revenue. The Southern states, being wholly agricultural, were naturally opposed to protective tariff taxation. Maryland and the middle states were opposed to the continuance of the importation of negroes. On the other hand the far Southern states desired more negro laborers for the development of the hot lowlands where the negroes were immune to diseases which were at that time frequently fatal to the whites; and the New England states desired the continuation of the slave trade for the reason that her merchants and seafaring men were the carriers of slaves to American ports. Out of a combination of these conflicting views another compromise was effected. The African slave trade was extended to 1808. This was coupled with a further and more momentous concession on the part of the agricultural South that a simple majority, instead of a two-thirds vote, as desired by the Southern states, should regulate trade and tariffs, and it should here be noted that it was this latter provision which, more than any other one thing, created a basis for sectional conflict, secession, and war.†

*In his address to the Maryland General Assembly Luther Martin reported that, in an argument against the inclusion of slaves: "It was observed by an honourable member from Massachusetts, that he considered it as dishonourable and humiliating to enter into compact with the slaves of the southern States, as it would with the horses and mules of the eastern."

†"It has long been recognized," writes Professor Farrand, "that the framers of the Constitution were indebted to the constitutions of the individual states for many of the specific provisions in the federal instrument. But this becomes more

When the Philadelphia Convention adjourned, Daniel Carroll, Daniel of St. Thomas Jenifer, and James McHenry signed the Constitution on behalf of Maryland. Martin and Mercer had returned home. Martin, in particular, was much dissatisfied with certain features of the compact, which appeared to him to offer an arguable basis for depriving the states of the exercise of many of the privileges of self-government, for which the Province had contended under the King and the Proprietary. He feared that the Federal government might pervert its power to interfere with the rights of the various states. Madison averred that the Marylander's objection to the power granted the more populous states in the proposed House of Representatives was "fallacious"; for ample protection was granted to the small states by means of equal representation in the Senate. Martin's second great objection was better founded; and, as events turned out, he, like Patrick Henry, proved to be a prophet. It must be remembered that commercial interests were not held in common. Already the North and the South were beginning to show increasing signs of sharp differentiation on these lines, in addition to whatever sectional prejudices may have previously existed. In any event, Martin put a prescient finger upon that clause in the new Constitution which gave to the Federal government the power to tax the people through tariffs for the benefit of a class or section.

It was shortly after the question of ratification of the Constitution was submitted by the dying Congress of the Confederation to the various states that Governor Smallwood convened the General Assembly. The delegates and Senators met on November 5th and requested the Maryland "deputies" of the Philadelphia Convention to report the proceedings of that body before the Assembly. It was on this occasion that Martin

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significant in the light of the present study. However much the members of the federal convention may have prepared themselves by reading and study, and however learnedly they might discourse upon governments, ancient and modern, when it came to concrete action they relied almost entirely upon what they themselves had seen and done. They were dependent upon their experience under the state constitutions and the articles of confederation. John Dickinson expressed this very succinctly in the course of the debates, when he said: 'Experience must be our only guide. Reason may mislead us.' In fact, making allowance for the compromises and remembering that the state constitutions were only a further development of colonial governments, it is possible to say that every provision of the federal constitution can be accounted for in American experience between 1776 and 1787."[15]

brought forward what was in part, at least, the strongest argument against the adoption of the Constitution as it stood.* Like Henry, in Virginia, Martin, in Maryland, was doomed to defeat. The majority of Marylanders, whether convinced of dangers lurking in the new union or not, felt that it was better to accept it as it stood than to risk further delay in securing a more stable government—if indeed any better form could be secured. Besides, there was the argument that where the original document failed to protect individual liberties, these points would be covered in a series of additions which its advocates were prepared to concede.

On November 27th the Assembly voted on the matter of calling a state convention to consider ratification of the Constitution. The motion was passed in the affirmative by a small majority. Consequently, at the time appointed—April 21, 1788—the Convention met at Annapolis and organized with George Plater in the chair, and William Harwood, clerk. It was soon made clear that the great majority of the delegates were in favor of ratification; and this majority determined, in modern legislative parlance, "to sit tight," let their opponents have their say, and then call for a vote. Many of them had received specific instructions from their respective county constituencies to vote for ratification speedily and "to do no other act." For the whole week, up to Saturday, the advocates of ratification "remained inflexibly silent." On Saturday they called for the question, and the Constitution was declared duly assented to by representatives of the state by a vote of sixty-three to eleven. It will be noted, however, that among these eleven were the two legal minds rating as the best in the state—Luther Martin and William Pinkney—and in the case of the latter, at least, it may be said that he ranked second to none in America. Samuel Chase also was numbered among the opponents of the new order.

The most interesting proceedings of the Convention were those associated with the resolutions for amendments to the Constitution. These were proposed by William Paca of Harford, who did not arrive at the Convention until the fourth day of the session. Upon taking his seat this signer of the Declaration of Independence stated that he had a number of serious

*_Infra;_ a number of his objections were met in the guarantees furnished by the first ten amendments.

objections to the Constitution as offered; and he thereupon presented some twenty-seven amendments, which, in their last analysis, were designed to protect the states and the citizens thereof from unwarranted Federal aggression. With slight modifications, many of the more vital additions urged by Paca were embodied in the famous first ten amendments that were subsequently adopted by the Federal Congress and ratified by the states. It was Paca's desire that his proposed amendments, or such of them as might be approved by the Convention, should accompany ratification. His amendments were referred to a committee, the majority of which was representative of the sentiment of the Convention. This committee agreed to report in favor of the first twelve of the proposed amendments, but ultimately decided not to bring them up for action. The reasons for this were subsequently given out in the *Maryland Gazette* by a member of the Committee, who evidently wished to allay criticism by those who believed that the amendments should have been debated and passed upon by the Convention. This member disclosed the fear that the chances of securing such a government might have been jeopardized; that interminable discussion might have ensued; that the Convention might have been drawn from one consideration to another; and that the members might have been led to give opinions on parts of the Constitution and not on the whole of it, as predetermined. More particularly they felt that by advocating or agreeing to so many amendments at the start they would give an advantage to the opponents of the proposed government; for it would then appear it was admitted by its friends to be defective; that its opponents would attempt to convince the people that the Convention

> ought not to have ratified the Constitution unless the alterations were previously made or annexed as a condition to the ratification; that if the great majority of the convention in this State who had ratified the government, should admit it to be so very defective, and to want such material amendments, and should publish them to the world, it might produce bad consequences in Virginia and the other States which had not ratified, where the opponents of the government might be equal or nearly equal in number to its friends; and that policy required that the members who had voted for the ratification, should set their faces against ANY amendment.

The amendments proposed by Paca are of considerable historical or academic interest. His proposed first amendment

bears close analogy to the last of the "first ten" of the United States Constitution, as follows:

> That Congress shall exercise no power but what is expressly delegated by this Constitution.

His tenth amendment is almost exactly that of the Federal Third Amendment prohibiting the "quartering" of soldiers in private houses. His amendment as to preserving the freedom of the press was reproduced in part of Amendment I, which Amendment also includes Paca's proposed twenty-fifth amendment: *viz.*,

> That there be no national religion established by law; but that all persons be equally entitled to protection in their religious liberty.

The twentieth amendment proposed by Paca was an attempt materially to alter a clause in the Constitution itself. In that respect, it differed from his other proposals. This twentieth article was:

> That no regulation of commerce, or navigation act, shall be made unless with the consent of two-thirds of the members of each branch of Congress.

This proposal represented an effort to protect the agricultural communities against commercial interests, or the consumer against the producer. It may be stated that had this provision been incorporated in the Constitution, or among the early amendments, the subsequent sectional clash of economic systems might not have occurred; for political and social differences would not have been so clearly established along geographical boundaries; and the slavery problem would have solved itself, because politicians could not have so easily hidden selfish aims behind the camouflage of a moral purpose.

Several of Paca's proposed amendments were concerned with throwing up protections against judicial tyranny. In seeking a final arbiter between a state and the proposed Federal republic, the Philadelphia Convention discussed the "Virginia plan" which gave the decision to the Federal legislature; and the "New Jersey plan" which gave it to the state judiciaries. Neither plan was regarded as acceptable, and a compromise was reached by which the final appeal was to be made to the Federal judiciary. Here lay the sleeping lion of Federal power.

In order to appreciate this situation it is necessary to go back beyond colonial experience. The power to declare void acts of Congress is based upon English judicial procedure. Prior to the English Revolution of 1688, in clashes between King and Parliament, English courts had occasionally claimed the right to decide the issue. After 1688, the Privy Council, acting as a court of appeal, had voided sundry acts of colonial assemblies which were held to be at variance with colonial charters or with English law. In America, after 1776, the state courts of the former colonies assumed the right to decide between state legislation and the State Constitution or in regard to the alleged violation of some long-established principle of common law practice. When the Federal judiciary compromise was carried in the Constitutional Convention, it was clear that the members understood that the Federal courts would void such acts of Congress as were "plainly" unconstitutional.

In the matter of creating courts, the Convention turned to English procedure for guidance; but in so doing they neglected to take into consideration certain factors. The Federal judges were appointed for life or "during good behavior." They could be removed only by a cumbersome process of impeachment: *viz.,* conviction for "treason, bribery, or other high crime or misdemeanor"—and this only by a two-thirds vote of the Senate, after legal trial on specific charges. This plan made the judges potentially capable of thwarting the popular will, or the will of the executive and the legislative branches of the government. In his arguments for the adoption of the Constitution Alexander Hamilton declared that in giving the Federal judges tenure for life the Constitution was but following the practice of English procedure. In so stating the case, however, Hamilton's reasoning was either strangely inconsequent or disingenuous. He took no account of the vast difference between removal "on address," as in British custom, and the American plan of impeachment.

Briefly reviewed the English procedure for removal dated back to the Revolution of 1688. Previously the judges had been removable at the pleasure of the King, and the prerogative of removal had been greatly abused under the Stuarts. Hence, the English Revolution provided for removal "on address": *i. e.,* a judge could be removed by a two-thirds vote in Parlia-

ment. No formal trial was required, neither was it necessary to bring formal charges of wrongdoing. In Great Britain, therefore, the courts had been made independent of the arbitrary action of the Crown by bringing them into dependence upon the Parliament.

Before dismissing the matter of the amendments proposed by William Paca it is well to consider the last and, in one sense, at least, the most comprehensive of all:

> That it be declared [in the United States Constitution] that all persons intrusted with the legislative or executive powers of government, are the trustees and servants of the public; and, as such, accountable for their conduct. Wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old, or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

It is additionally appropriate at this point to introduce some of the passages in the arguments of Luther Martin for the preservation and continued maintenance of the rights and privileges of local self-government. In seeking to make sure of this fundamental principle, he declared that,

> Adequacy of representation is more important in a federal, than in a State government, because the members of a State government, the district of which is not very large, have generally such a common interest, that laws can scarcely be made by one part oppressive to the others, without their suffering in common; but the different States composing an extensive federal empire, widely distant one from the other, may have interests so totally distinct, that the one part might be greatly benefited by what would be destructive to the other.[16]

Again, in offering indirect support to Paca's proposed twentieth amendment (*supra*), Martin declared in regard to proceedings in the Convention, that:

> A committee of one member from each State was chosen by ballot, to take this part of the system under their consideration, and to endeavour to agree upon some report, which should reconcile those States; to this committee also was referred the following proposition, which had been reported by the committee of detail, to wit, "No navigation act shall be passed without the assent of two thirds of the members present in each house"; a proposition which the staple and commercial States were solicitous to retain, lest their commerce should be placed too much under the power of the eastern States, but which these last States were as anxious to reject.—This committee, of which also I had the honour to be a member, met and took under their consideration the subjects committed to them; I found the eastern [New England] States, notwithstanding their aversion to slavery, were very willing to indulge the south-

ern [cotton] States, at least with a temporary liberty to prosecute the slave trade, provided the southern States would in their turn gratify them, by laying no restriction on navigation acts; and after a very little time, the committee by a great majority, agreed on a report, by which the general government was to be prohibited from preventing the importation of slaves for a limited time, and the restrictive clause relative to navigation acts was to be omitted.*

Despite the dissatisfaction of Martin, Chase, Paca, Pinkney, and others, who feared that the machinery of the central government might be used to create tyranny, Maryland became the seventh state to ratify the Constitution. Two more states followed, and the "more perfect Union" was assured. Consequently the Congress of the dying Confederation passed, September 13th, a resolution arranging for the inauguration of the new government. The first Wednesday in January was the day appointed for the choice of Presidential electors; hence in compliance with this resolution, the General Assembly prepared a plan of procedure. By the Act of December 2, 1788, the state was divided into six districts. Six representatives were to be chosen, residents of the respective districts apportioned. The first such representatives selected were, in the order of the votes polled for each: Joshua Seney, Daniel Carroll, Benjamin Contee, George Gale, William Smith, and Michael Jenifer Stone. After considerable debate as to the proper procedure the two Houses of the Assembly met in joint session and balloted for United States Senators. According to a special resolution, one was to be from the Eastern, and the other from the Western Shore. John Henry and Charles Carroll of Carrollton were duly elected, Henry subsequently drawing the long term and Carroll the short one.

Throughout the narrative of the early colonial period, references have been made to the writings of Father Andrew White, author of *Relatio Itineris;* to George Alsop, narrator and poet; to the Reverend Thomas Bray; to John Hammond, author of *Leah and Rachel;* and sundry others. The latter part of the colonial period is featured by the productions of the legal minds

*Of Martin it is recorded: "This great man died paralytic, imbecile, in penury, a pensioner. Yet the Maryland bar had such a sense of his greatness and of his broad contributions to legal science, and their obligations to him on that account that they willingly consented to pay an annual license tax for his maintenance, and procured an act of the Legislature legalizing the assessment and collection of the tax, a case probably without precedent in professional history."[17]

of the Province; and the preponderance of their work in Maryland may be compared to the extensive output of the New England clergy in the fields of theological polemics. In the House of Commons and the House of Lords the arguments employed by Maryland attorneys on behalf of the self-government of the colonies were freely and frequently quoted by the distinguished defenders of the colonists. The Dulanys, father and son, excelled; and William Pinkney, who appeared at the bar in both countries, favorably compared Daniel Dulany, the younger, to Pitt, Fox, and Sheridan. Later appeared William Paca, profound student of government; Samuel Chase, Luther Martin, John Beale Bordley, Charles Carroll of Carrollton, and Charles Carroll, the Barrister.

In colonial days, Annapolis was noted among her sister capitals for her social entertainments. This is illustrated in the sayings and doings of the Tuesday Club, where free expression was given to oratory, poetry, and literary criticism. Professional writers there were none, outside of the journalists of the time, but many there were who indulged in verse and who contributed anonymously to the journals of the day; while a few only published their work in pamphlet or in book form. It was considered almost as reprehensible for a colonial poet to subscribe his name to a public offering as it is to-day for a physician to proclaim his skill in the advertising columns of the daily press. Had these writers taken themselves or their work more seriously, colonial Maryland might well have produced poems, essays, and drama of more than local distinction. Numerous compositions preserved in private papers indicate excellent taste and a style that hinted of things worth while, if the perspiration of revision had been added to the inspiration of conception. Except in the field of political argumentation and in the discussions of governmental procedure, this anonymity kept up until the day when Edgar Allan Poe dared to turn his pen to professional use in the varied realms of poetry, fiction, and criticism. Prior to his day those capable of interpreting their times and environment in verse or prose confined their efforts to social gatherings and personal correspondence. Literary expression was regarded as an accomplishment common to cultivated minds, to be called forth as the occasion prompted or some emotion inspired expression. Possibly Edward Coote Pinkney may be regarded as po-

tentially a poet of the first rank; yet had he lived past his twenties it is unlikely that he would have turned his gifts to commercial account, or that he would have made authorship anything but an avocation. Besides Poe, three of the earliest writers inclined to professional effort were George Henry Miles, essayist, poet, dramatist; Anne Moncure Crane-Seemuller, novelist; and John Pendleton Kennedy, author of *Swallow Barn, Horse Shoe Robinson,* of interesting political pamphlets, and a collaborator with Thackeray, by the latter's request, in *The Virginians.*

It has been said that a national anthem cannot be made to order. Hence, the very unconsciousness of effort for form or figures may have contributed to making it possible for Francis Scott Key to prepare, on the spur of the occasion, the patriotic contribution which has become generally, if not officially, recognized as the national anthem. Regardless of its weaknesses, "The Star-Spangled Banner" is at least original rather than commonplace and merely imitative, as in the case of the more exact and formal tread of "America," held to be its nearest rival in public favor. The same, in a measure, may be said of James Ryder Randall's "Maryland," the greatest of all the songs dedicated to a particular state.

Similarly the historians of Maryland, however diligent their efforts, have pursued their studies as an aside. Of those who have gone to their reward in another world—for the returns received in this one were scanty or negative—the leaders were John Leeds Bozman, the painstaking pioneer; John Van Lear McMahon, student and exponent extraordinary of systems and theories of government in particular; J. Thomas Scharf, the indefatigable, if unscientific, gatherer of information; James McSherry; and William Hand Browne.

As colonial architecture reflects the spirit and habits of life of the generations creating it, so Maryland produced an artist who may be regarded as the portrait painter par excellence of the American Revolution. Charles Willson Peale merits this distinction; for, while second only to Copley among the native painters during the decade preceding the war, upon the retirement of the latter in 1775 Peale remained, throughout the period of the Revolution, the leading painter of his day. Although Peale's work before the war included many and notable

portraits more representative of his ability as a painter, posterity is indebted to him for the many likenesses of his fellow officers and other public characters distinguished in the struggle for independence. In 1772, he painted at Mount Vernon the first portrait of Washington as a colonel in the Virginia militia, followed during the war by a full-length and other life portraits which, with Houdon's statue, most faithfully portray Washington as commander in chief. His final portrait of Washington, as President of the United States, was painted in 1795. On this last occasion Peale's son, Rembrandt, born February 22, 1778, while his father was in service at Valley Forge, began a portrait of Washington. This painting led, in after years, to the celebrated portrait that was so highly praised for fidelity of likeness by John Marshall, Judge Tilghman, and others among Washington's contemporaries. With regard to the Peales no American family in two generations produced so many artists.

Charles Willson Peale was largely indebted to the interest and patronage of John Beale Bordley, Charles Carroll, and other leading Marylanders, members of the Governor's Council, who in recognition of the young artist's talents united in assisting him to pursue his studies abroad, an indebtedness that he repaid in full, leaving, as he records, only debts of gratitude to those early patrons of his native state. It was in appreciation of the encouragement he had thus received, in addition to the example of his preceptor, Benjamin West, that Peale strove during his career to aid and encourage others in the pursuit of the fine arts. From his experience in England when the Royal Academy was founded Peale realized the value to artists of public exhibitions of their work; consequently, he initiated the effort to establish an annual exhibition and academy of the arts in Philadelphia at the close of the Eighteenth Century. While this enterprise lacked popular support in that community it led eventually to founding the Pennsylvania Academy of the Fine Arts, in which he and his son Rembrandt were prime movers.

After retiring from the active practice of his art Peale formed, in connection with his portrait gallery, the first museum of natural history in America, which ranked with the notable collections abroad, and in the early part of the Nineteenth

Century his sons undertook to establish in a smaller way a similar gallery of paintings and a museum in Baltimore.*

The first theatrical performance in America of which there is any record took place in 1665 on the Eastern Shore (Accomack County) about the time "The Abbey" was built on the upper shore at Chestertown. The play then presented was called *Ye Beare and Ye Cubb.* Those participating were accused of improper dialogue and behavior; so the local court required the actors to appear in their costumes and bring with them a copy of the "verses, speeches, and passages" which were alleged to be offensive. Thereupon, the Court, having held the play innocuous, ordered the complainant to pay the costs of the proceedings. After a quarter of a century of preëminence in the production of the Continental drama, Williamsburg appears to have yielded the sceptre to Annapolis. William Eddis wrote, June 18, 1771, in regard to the performances at the theatre in Annapolis:

When I bade farewell to England, I little expected that my passion for the drama could have been gratified in any tolerable degree at a distance so remote from the great mart of genius, and I brought with me strong prepossessions in behalf of favorite performers whose merits were fully established by the universal sanction of intelligent judges. My pleasure and my surprise were therefore excited in proportion in finding performers in this country equal at least to those who sustain the best of the first characters in your most celebrated provincial theatres. Our Governor, from a strong conviction that the stage under proper regulations may be rendered of general utility and made subservient to the great interests of religion and virtue, patronizes the American Company, and as their present place of exhibition is on a small scale and inconveniently situated, a subscription by his example has been rapidly completed to erect a new theatre on a commodious if not elegant plan.†[18]

*Peale's younger brothers, St. George and James, both enlisted in the service of their state during the war, and one sister, the wife of Colonel Nathaniel Ramsay of the Maryland Line, accompanied her husband and shared the hardships of Valley Forge. Another sister married Captain Robert Polk, who lost his life in action as commander of a privateer.

†In the South the Colonists had imported a taste for the drama together with their other English customs, but in the North the playhouse was still considered the highway to hell and was everywhere fiercely condemned if not actually forbidden under the severest penalties."[19]

CHAPTER IX

Establishing the Federal Republic

The great experiment was to be made by civilized man of the attempt to construct society upon a new basis; and it was then, for the first time, that theories hitherto unknown, or deemed impracticable, were to exhibit a spectacle for which the world had not been prepared by the history of the past.—Alexis de Tocqueville.

The Federal Congress was due to assemble on March 4, 1789; but the Senate was not organized until April, when the electoral votes were officially counted. It was found that Maryland had cast her votes for Washington for President and for Robert Hanson Harrison for Vice President. Six days later, Charles Thomson, Secretary of the Continental Congress, passed through Baltimore on his way to Mount Vernon to notify George Washington of his unanimous election as the first Federal Executive under the new Constitution.

Washington's progress northward was, in effect, a triumphal procession; and many were the formal salutations or "addresses" on the part of local committees, to all of which Washington made replies, both being couched in the stilted verbiage of the times. The following expression in Washington's reply to the Baltimore Committee is, however, natural and simple.

> It appears to me [he declared] that little more than common sense and common honesty in the transactions of the community at large would be necessary to make us a great and happy nation.

As President, Washington's problems were at first greatly aggravated by the embarrassing refusal of noted men to accept Federal office. Of his difficulties in persuading Marylanders to accept Federal positions, Washington wrote to Dr. McHenry as late as November 30, 1789. In this letter he referred to the declination (afterward withdrawn) by Robert Hanson Harrison of an appointment to the Supreme Court and to Thomas Johnson's declination of a district judgeship. Two other Mary-

land appointees, Potts and Ramsay, had not even been heard from. The letter further developed that, in view of these frequent declinations—in Maryland, at least—the President was chary of making further direct overtures to prospective appointees. Subsequently Richard Potts accepted appointment as the first United States Attorney General for Maryland, and Colonel Ramsay that of United States Marshal.

During this period, the Federal government was under the disadvantage of carrying on its business in what was recognized as a temporary location. In this respect, it was, at first, no better off than its predecessor, the Congress of the Confederation. During the latter years of the Confederation and during the first years of the Federal Union, a permanent location for the capital was generally admitted to be most desirable. On October 7, 1783, Gerry introduced a resolution that buildings for the use of the Congress be constructed on the Delaware or the Potomac, if either location should prove suitable for the capital of the Confederacy. During the next four years three resolutions were introduced. The first one, favoring a site on the Delaware, was passed by majority vote, but it was not carried into effect. Two subsequent resolutions favored the Potomac, both of which failed of passage. On December 23d, the General Assembly of Maryland passed "An act to cede to congress a district of ten miles square, in this State, for the seat of government of the United States." On the 5th of September, 1789, a resolution passed the House of Representatives

> that the permanent seat of the government of the United States ought to be at some convenient place on the banks of the Susquehannah, in the State of Pennsylvania.

Germantown was subsequently favored by the majority of the House, but the Senate did not act upon the motion before the adjournment of Congress. It was clear to the Southern members that those who favored a more northerly location of the Federal capital controlled sufficient votes to win their point unless Maryland and Virginia should offer better inducements. Consequently, in December, 1789, the legislature of Virginia sought the coöperation of the Maryland Assembly. This cooperation came in the shape of a resolution which the Assembly approved the following year:

That this house doth accede to the proposition contained in the said resolution of the Assembly of Virginia and will advance to the President of the United States, for the purposes mentioned in the said resolution, the sum of seventy-two thousand dollars, payable to his order in three equal yearly payments.

In order to secure the prompt advance of this amount, the treasurer of the Western Shore was authorized to sell the "reserved lands to the westward of Fort Cumberland." The state also authorized the sale of 100 acres of land at Fort Frederick. Lands lying in Dorchester County, then "in the possession of the Choptank Indians" were also to be sold. At the same time, Baltimore citizens busied themselves, very much after the manner of modern city "boosters," in extolling the advantages of the rapidly growing metropolis. The merchants of Baltimore pledged, after what would at present be termed a "drive," the modern equivalent of $100,000 toward the erection of government buildings, should the town secure the location of the Federal capital. It was pointed out that the Federal center of population lay in Baltimore County. These representations were made in order to offset the offer of "elegant and convenient" accommodations in New York, Philadelphia, and Trenton.*

After considerable debate in Congress, the matter of the location of the Federal capital was associated with the plans of Alexander Hamilton for the assumption of state debts by the Federal government. It was at this point that Thomas Jefferson was persuaded to get Virginia votes for assumption in return for Hamilton's promise of Northern votes to place the Federal capital on the Potomac. Conococheague—which was laid out by General Otho Holland Williams and later called Williamsport—and a location nearly opposite Alexandria were Maryland sites on the Potomac that were seriously considered. President Washington, in pursuance of the resolution of Con-

*"To discharge the engagements of the State toward its officers and soldiers for their services during the Revolution, the General Assembly, at the November session of 1781, appropriated all the vacant lands westward of Fort Cumberland (within the present limits of Allegany and Garrett Counties), reserved or otherwise, except so far as they were fairly covered by warrants, etc., to fulfill these obligations. By this act it was also provided that there should be a land-office for the Western Shore at Annapolis, and another on the Eastern Shore, where the General Court was held."[1]

Map of Maryland and Territor
From collections of M

umbia, by Dennis Griffith, 1795.
d Historical Society.

gress, visited these prospective locations and selected the lower one.*

Consequently, on January 24, 1790, President Washington appointed Thomas Johnson and Daniel Carroll of Maryland to act in conjunction with a representative of Virginia as commissioners to lay off "The Territory of Columbia." The *Maryland Gazette* of Friday, March 18, 1791, reported a dispatch from Georgetown:

> Some time last month arrived in this town Mr. Andrew Ellicot, a gentleman of superior Astronomical abilities. He was employed by the President of the United States of America to lay off a tract of land, ten miles square, on the Potomac for the use of Congress—is now engaged in the business.

The *Gazette* went on to remark that Major Ellicott was "attended by Benjamin Banneker, an Ethiopian," who was also spoken of as a surveyor and astronomer. On September 18, 1793, under the direction of President Washington, the southeast cornerstone of the Capitol was laid; and, after the Masonic rites were completed, "the whole company retired to an extensive booth" where there was a "barbecued ox with every abundance of other recreation."†[2]

It proved easier to plan the new Federal city than to create it. The money advanced by Virginia and Maryland ($192,000, *supra*) was soon exhausted, also the credit of Messrs. Robert Morris, "the financier of the Revolution," and that of James

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*The following dispatch, dated Georgetown, October 20, was published in the *Maryland Journal and Baltimore Advertiser,* Friday, October 22, 1790, "Last Friday arrived here from Mount Vernon the PRESIDENT of the United States, and on Saturday morning, in company with the principal Gentlemen of this town and neighborhood, set out to view the country adjacent to the River Potowmac, in order to fix upon a proper situation for the GRAND COLUMBIAN FEDERAL CITY. The PRESIDENT returned on Saturday evening and on Sunday morning early set out for the Great Falls and Conogecheague.

"We are informed, that since the arrival of the PRESIDENT in our parts, bets respecting the seat of Government run high in favor of George-Town."

†For the most part, the Maryland property was owned by Daniel Carroll, David Burns, Samuel Davidson, and Notley Young. The price paid, as reported by Jefferson, was "really noble"; at £25 an acre; but since "streets were not to be counted," the cost was reduced to about £19 an acre." For further reference to Banneker, see *supra,* p. 266.

After Ellicott had begun his work, Major Pierre Charles L'Enfant was engaged to coöperate with Ellicott in laying off the future Capital. L'Enfant was, subsequently, discharged for insubordination, and Ellicott prepared the final or official plan of the Federal city. This was drawn up partly after his own ideas, partly after the original design of Major L'Enfant, and partly in accord with suggestions made by Jefferson and Washington.

Greenleaf of New York, who was associated with Morris in the construction of public buildings. In 1796, therefore, after various rather humiliating attempts to borrow money at home and abroad, President Washington determined to apply to Maryland for a loan.

> If the State [wrote Washington to Governor Stone under date of December 7, 1796] has it in its power to lend the money which is solicited, I persuade myself it will be done; and the more especially at this time when a loan is so indispensable, that without it not only very great and many impediments must be induced in the prosecution of the work now in hand, but inevitable loss must be sustained by the funds of the city in consequence of premature sales of public property. I have thought I ought not to omit to state, for the information of the General Assembly, as well the difficulty of obtaining money on loan as the present necessity for it, which I must request the favor of you most respectfully to communicate.

In response to this appeal the Assembly voted a loan of $100,000 on December 4, 1796, and before the legislature adjourned added two loans of $100,000 and $50,000. The credit of the Federal government was still at so low an ebb that the loans were secured, in part at least, by the bonding of individuals, one of whom, Uriah Forrest, was, like Governor Stone, a veteran of the Maryland Line. Stone had been the first captain in Smallwood's First Regiment; and, with Lieutenant Colonel Forrest, had been badly wounded at Germantown. Due, therefore, to Maryland's timely aid, the District of Columbia commissioners reported, early in 1800, that the public buildings were ready; so that Congress opened its fall session that year in the new Capital.

In Maryland the years immediately following the ratification of the United States Constitution were comparatively uneventful. For one thing, the extreme resentment against the Tories began to die out, and the severe laws aimed at the Loyalists were repealed in 1789, under the administration of Governor John Eager Howard.

In July, 1793, some fifty-three vessels arrived at Baltimore. On board were more than 1,500 refugees, out of 10,000 such outcasts who were fleeing from the bloody uprising of the negro slaves of San Domingo. The insurrection was largely incited by the agitation of an abolitionist society in France styled *Les Amis des Noirs,* who, at the time of the French Revolution, urged liberation and political equality for blacks. "Let even the

last of our colonies perish," declared Robespierre, "rather than sacrifice one iota of our principles." On May 15, 1791, a decree was passed by the French Revolutionary Council,

> That all people of color, residing in the French Colonies and born of free parents, were entitled to the same privileges as French citizens, and among others to the right of voting at elections, and to a seat in the Provincial and Colonial Assemblies.

Great was the rejoicing in France, but greater still was the dismay in the West Indies over this legislation. The negroes broke out in insurrection in August, 1790, and for several months thereafter a carnival of blood reigned supreme. Women and children were massacred indiscriminately with the men. The prisoners, says Brown in his *History of St. Domingo,* "were put to death with such studied tortures as cannot be named without a thrill of horror." Through a committee of public-spirited citizens, the people of Maryland made quick provision for the immediate needs and the permanent establishment of the refugees, many of whose names are maintained to-day in their descendants in Maryland and other states.

The news of the insurrection had far-reaching effects in the United States. In the South, where, in several large sections, the negroes outnumbered the whites, great alarm was felt lest the Continental negroes, many of whom had been even more recently redeemed from African barbarism, would likewise attempt an uprising. In the North, on the other hand, the overseas slave trade was drawing to a close. The Eastern states were passing gradual emancipation acts, while the Northwest Territory had been made free soil largely by the insistence of Thomas Jefferson and slaveholding statesmen from the South. The time was approaching when the Northern people were to give heed in increasing numbers to the agitation of theoretical extremists, not unlike the Parisian "friends of freedom," rather than to the efforts of practical reformers working within the provisions of the Constitution. The latter sought to aid the emancipationist element in the South; the former demanded direct action, and if their demands were not immediately acceded to, they denounced the slaveholders in terms so bitter and unreasonable that they hindered rather than hastened the end sought. Turning to the San Domingo revolution for inspiration

this element magnified the abstract idea of freedom without reference to the resultant ruin of trade, commerce, and nearly all forms of civilized existence.

Shortly after the advent of this first group of refugees from the French West Indies, Baltimore, as an important seaport, was vitally affected by the action of the French National Convention of February 1, 1793, in declaring war against England and Holland. Under the terms of two of the articles in the Treaty of February 6, 1778, the French now assumed that they would enjoy the exclusive right to arm and commission privateers within American ports, to bring in their prizes, sell the vessels condemned by French consuls, and even capture enemy vessels within the limits of the maritime jurisdiction of the United States. It was not unnatural for Americans to recall the recent aid of France; it was equally natural for them to sympathize with a people who had, even more recently, thrown off the yoke of a vastly more oppressive monarchy, and who had adopted a form of government professedly like that of the United States. President Washington, therefore, became the target for no little abuse when he declared his intention to preserve inviolate the neutrality of the United States.[3]

Since the General Assembly had offered "Whetstone Point" for the use of the Federal government the citizens of Baltimore, at their own expense, fortified the place, where a "star fort" of strong brickwork was added. Subsequently, the ground was ceded to the Federal government and the fort named after James McHenry, then Secretary of War. All this was done in accordance with a general defense recommendation issued by the President in 1794. Also, in accordance with Washington's recommendations, the militia of the state was reorganized and placed, for the most part, under the direction of officers of the Maryland Line.

The war in Europe continued to cause grave concern to the American government and great losses to American merchants. In the summer of 1793 the British Privy Council had issued instructions to the navy

> to stop and detain all ships laden with goods, the produce of any colony belonging to France, or carrying provisions or other supplies for the use of such colonies, and to bring the same, with their cargoes, to legal adjudication in our courts of admiralty.

This notice, if justifiable at all, was unjustifiably sudden, regardless of the real or alleged grievances of which the British complained in regard to American privateering under French flags. It was regarded as a high-handed invasion of neutral rights.

On the 28th of March, 1794, President Washington issued the first embargo proclamation. This proved most unpopular, as also the treaty or agreement secured by John Jay with Great Britain. Discord had developed in Washington's Cabinet. In 1795, Edmund Randolph resigned, and on August 24th Washington wrote from Philadelphia to Thomas Johnson:

> The office of Secretary of State is vacant, occasioned by the resignation of Mr. Randolph. Will you accept it? You know my wishes of old to bring you into the administration. Where then, is the necessity of repeating them? No time more than the present ever required the aid of your abilities nor of the old and approved talents of the country.

In refusing this office, Johnson pleaded domestic cares; as did John Eager Howard when he was offered the position of Secretary of War, in November of the same year, a post ultimately accepted by McHenry at about the same time Samuel Chase accepted the appointment of the United States Supreme Court.

Whilst loud clamors were being raised against Washington on every side, the representatives of Maryland in the General Assembly passed the following "vote of esteem":

> Resolved, unanimously, That the President of the United States merits the everlasting gratitude of the people; that his profound wisdom in council and eminent exertions in the field, aided by the virtue and valor of his fellow citizens, triumphed over British invasion, and led his country through an arduous war to victory and to happiness, establishing its independence by a revolution unsullied with a crime, and distinguished for moderation, virtue and humanity; that his wise and steady administration of the general government, promptness in suppressing domestic insurrection, firmness in defeating improper exertions of foreign influence and perseverance in the system of neutrality, have continued to us those advantages which result from a stable and free government, and have crowned us with the blessings of peace, liberty and prosperity, whilst Europe and the Indies have been convulsed with the horrors of a dreadful and desolating war.

In the election of Washington's successor, sentiment in Maryland was divided. John Adams received a plurality, while John Henry, a native son, received two votes. Adams had scarcely taken his seat before the troubles with the Revolution-

ary government of France reached an acute stage; and, after the repulse of the American commissioners at Paris, James McHenry carried from Adams to Washington a commission as "lieutenant-general and commander-in-chief of all the armies raised and to be raised in the United States." Annapolis and Maryland resounded with preparations for war. The General Assembly commended Adams highly for his firmness in dealing with the French Directory. After "unofficial" hostilities on the high seas had begun—signalized by the capture of the French battleship *Vengeance* by the Baltimore-built frigate *Constellation*—Adams learned that the French officials were willing to listen to argument. In spite of his declaration that he would not send another Minister to France without extraordinary assurance in advance that he would be properly received, Adams appointed a special embassy which succeeded in negotiating a treaty. In so doing the President did not consult Secretary of State Pickering or Secretary of War McHenry. Both secretaries were offended, as were Gouverneur Morris and Alexander Hamilton, the latter being "hot for war" with France. Thereby a breach was made in the Federal party which had much to do with the subsequent defeat of Adams for reëlection. Adams, however, proposed the following expression as his epitaph:

> Here lies John Adams, who took upon himself the responsibility for the peace with France in 1800.*

The Presidential election of that year was hotly contested, and the electoral votes again showed that sentiment in Maryland was divided. A great body of substantial citizens still clung to the Federal party; but the "Alien and Sedition Laws" of the Adams administration had roused a militant spirit of resentment. While Virginia and Kentucky were passing special resolutions of disapproval that advocated state interposition, the people of Maryland expressed their views by greatly increasing the Republican vote. Inasmuch as, during the days of the Revolution, the Assembly had discountenanced repression of the public press or the expression of political opinion the sedition law of the Federal government was peculiarly objection-

*It may be noted that the chief burden of the French negotiations had fallen upon the shoulders of a Marylander, William Vans Murray, then the American minister at The Hague.

able in providing fines or imprisonment for "any false, scandalous, or malicious writing against the [Federal] government, or against its high officials," with intent to bring them into disrepute. Jefferson voiced the opinion of many of his devoted adherents in Maryland when he wrote to George Mason:

> I consider those laws only an experiment in the American mind to see how far it will bear an avowed violation of the Constitution.

The spirit of the newly organized Republican (Democratic) party was shown in the extended balloting for President, which in that year devolved upon the House of Representatives. Joseph H. Nicholson, one of Maryland's divided delegation, had been for some weeks confined to his bed and was so ill that his life was considered in danger; nevertheless, he insisted on being carried to the Hall of Representatives in order to give his vote. When his attendant physicians appealed to his wife, telling her that this act might prove fatal, Mrs. Nicholson replied:

> Be it so then, if my husband must die, let it be at the post of duty—no weakness of mine shall oppose his noble resolution.

Consequently, according to a contemporary account:

> The patient was carried on a litter to the capitol, where a bed was prepared for him in an ante-room adjoining the Senate Chamber, followed by his heroic wife, where, during the four or five days and nights of balloting, she remained by his side, supporting by various restoratives, but more by her presence, the strength of the feeble and almost expiring invalid, who, with difficulty, traced the name of Jefferson each time the ballot-box was handed to him.[4]

On the last ballot, the four Federalists from Maryland, who had supported Aaron Burr, in lieu of the eliminated Adams, voted blanks; the other five voted for Jefferson, which, with a similar action on the part of Vermont, decided the contest in favor of the author of the Declaration of Independence.

After the triumph of the Republican or Democratic party, the political situation in Maryland was agitated by the effort to widen the franchise beyond the bounds of the property qualifications that had been requisite. This came in the form of an amendment to the State Constitution, passed by the General Assembly in 1801. The amendment gave the suffrage to "every free white male citizen of the State, and no other, above twenty-one years of age," etc. The Democratic uprising throughout the

country aroused acute alarm in the breasts of the extreme Federalists, who fancied that the government was soon to be ruined by an excess of popular control. In regard to this fear, Benjamin H. Latrobe wrote December 19, 1806:

> Ever since the Revolution the internal state of the United States has been undergoing a regular and gradual change. That deference of rank which, without the existence of titles of nobility, grows out of the habits and prejudices of a people, was bequeathed to the Americans by the English *manners* and institutions which were established before the Revolution. These manners could not be suddenly altered, nor did the institutions of the country undergo any very great or sudden change. After the adoption of the Federal constitution, the extension of the right of suffrage in all the States to the majority of all the adult male citizens, planted a germ which had gradually evolved and has spread actual and practical democracy and political equality over the whole union. . . . There is no doubt whatsoever but that this state of things in our country produces the greatest sum of happiness that perhaps any nation ever enjoyed. Every man is independent.

Some years before Latrobe had written of the dismay expressed by the Federalists over Jefferson's election. According to his version of a general conversation, in which he had been a participant, Ames and Pickering had declared that anarchy would certainly ensue, and that neither lives nor property were safe. To this Alexander Hamilton added a somewhat more hopeful note to the effect that while he fully apprehended the confiscation of his property, his life, he believed, would be spared. Latrobe had also observed that,

> in the midst of the difficulties between the Federalists and the Democratic-Republican party, an effort was made to found a third party, called Quids (from the chemical term *Tertium quid*). It did not succeed, and Mr. Burr did not put himself at the head of it.*

Almost immediately upon the accession to power of the Republican-Democratic party, Associate Justice Samuel Chase became the storm center of a controversy that "rudely rocked the cradle of the Republic"; but in order to set forth the story of this contention it is necessary to go back to its source. Some of the fruits of victory accruing to the Republican-Democratic party had been snatched away from them by the action of President Adams and other Federalists. Before the latter yielded the reins of government to their adversaries, they saw an opportunity of maintaining their ideas, for a while, at least, in the

**Infra*, p. 587.

Federal judiciary. The action taken by Adams and his associates, inclusive of John Marshall, was, perhaps, questionable in the sphere of political ethics; but, in regard to their action—styled by their angry opponents "a midnight conspiracy" to defeat the will of the people—it must be remembered that, whether they acted unethically or not, they sincerely believed that they were doing their country a signal service, over and above any partisan desire they may have had to offset the victory of their political foes.

When Jefferson assumed office, he declared void all appointments made after December 12, 1800, when it had become known that the Republican-Democratic nominees were the choice of the representatives of the people. Consequently James Madison, Marshall's successor as Secretary of State, refused to issue the commissions, and the matter was brought up to the Supreme Court, Marshall presiding. The indignation of the Republicans knew no bounds when, in the now celebrated case of *Marbury* vs. *Madison,* Marshall rendered a decision which not only dismissed the motion but also entered into a discussion of the merits of the case, in which he, the Chief Justice, had, after he had qualified as a judge, been a participant.[5]

To Jefferson and many of his followers it seemed just as important for the safety of the Republic to break some of the "assumed powers" of the Federal judiciary as it seemed to Adams, Marshall, and the Federalists to hold in check the "dangerous exercise" of the popular will. The Federal judiciary had laid itself open to attack, by way of impeachment proceedings, in the character and conduct of one of the district judges, John Pickering, of New Hampshire; and in the partisan political activities of Supreme Court Justice Samuel Chase. With the trial of Pickering—though it had an indirect bearing upon that of Chase—this narrative need not concern itself; but the attempted impeachment of the Marylander is properly within the scope of this story. Charges were preferred against Chase to the effect that he had been politically active against the Republican-Democratic party and that he had, while in his judicial capacity, warned juries against the views of the political party to whose principles he took exception. In brief, the agitation in the states for the extension of the franchise and the curtailment of the power of the courts had aroused the intense antagonism of Judge

Chase, and he had denounced such movements from the Bench.

President Jefferson wanted a Maryland Democrat—Joseph H. Nicholson—he of the sick-bed balloting (*supra*) to take charge of the prosecution; but the friends of the latter dissuaded him, and leadership in the proceedings fell to the eccentric John Randolph of Roanoke.

In December, 1804, the trial of Judge Chase began. The impeachment charges were summed up in eight articles, ranging over five years in point of time and bearing upon cases that came under Judge Chase's jurisdiction in Maryland, Pennsylvania, and Virginia. The proceedings lasted several months, and what chance there was to impeach Judge Chase on any of the articles was lost or seriously injured by the incoherence of Randolph's closing argument and his evident lack of careful preparation, which caused him to make a number of discreditable errors. The largest number of votes polled for impeachment came on the article least stressed: *viz.*, Judge Chase's charge to the grand jury in Baltimore. Here the managers of the impeachment proceedings secured a majority vote but not the requisite two thirds for removal. Randolph's assistants in the prosecution presented some able arguments. On the other hand the argument of Joseph H. Nicholson was contradicted by his associate, George W. Campbell, while Cæsar A. Rodney confused the issue still further by a third interpretation of the Constitution in reference to the scope of impeachment proceedings. No such palpable errors or conflicts occurred in the arguments of the counsel for the defense, led by Joseph Hopkinson, Phillip Barton Key, Robert Goodloe Harper, Charles Lee, and Luther Martin; and it is interesting to recall that Martin, together with Chase, had previously been the leading opponents of the powers of centralization conferred by the Constitution upon the Federal government.

The fame of the impeachment proceedings instituted against Chase in the Congress of the United States has eclipsed an interesting presentment previously brought before the Maryland General Assembly. In 1786 Chase had moved from Annapolis to Baltimore to build on a tract of land presented to him by John Eager Howard. In March, 1794, there occurred a riot in which two British sailors were attacked by a mob. After an investigation Judge Chase ordered the arrest, as "ring-leaders,"

of two men of prominent standing in the community: *viz.*, David Stodder, shipbuilder and the captain of a company of militia; and William Reeves, both of whom were popular with a powerful political faction. When the preliminary trial came up the courthouse was surrounded by the friends and followers of the accused; and the prisoners refused to give security for their appearance at the next court. When Judge Chase declared that the alternative was a term in jail the sheriff refused to act. Thereupon, the judge exclaimed: "Summons me, sir, and I will be the *posse comitatus*." Thereupon many influential citizens waited upon the judge, pleading with him to pass over the affair. In the first place they told him his life was threatened and that it was believed his house would certainly be pulled down over his head; in the second place they feared a riot which would embroil the entire city if he did not give up the point of requiring surety. Matters were at a critical juncture; but within twenty-four hours wiser counsels prevailed and the dignity of the Bench was maintained. On the following day (Sunday), the accused persons met the judge on his way to church and offered the required security. Hence it is to the lasting credit of Samuel Chase that he had, at no little risk, upheld the majesty of the law in these notable proceedings against mob violence acting under powerful political and social protection. At the appointed time the Court met; but the grand jury, refusing to find a bill against the prisoners, delivered, instead, a formal presentment against Judge Chase. This presentment charged him not only with having insulted the jury for censuring the sheriff in regard to their selection; but also of having violated the Maryland Bill of Rights in exercising, at one and the same time, the functions of Judge of the Criminal Court and Judge of the General Court. In his reply, Chase ignored the more serious charge. He declared, however, that in going beyond their proper sphere the jury had specifically justified his censure. To this he added:

> You will, gentlemen, continue to do your duty, and I shall persevere in mine; and you may be assured that no mistaken opinion of yours, or resentment against me, will prevent my having respect for you as a body.

In the following December an effort was made in the House of Delegates to remove Chase from the General Court; and, al-

though the bill failed of passage, a majority of the Delegates concurred in the resolution that the State Constitution had been infringed by the simultaneous tenure of the offices then being administered by the accused.

The close of the Eighteenth Century and the beginnings of the Nineteenth witnessed a remarkably rapid growth on the part of Baltimore Town, which was described as the geographical center of the Republic. Because of the war raging upon the continent of Europe, the trade of the world fell largely into the hands of Great Britain, mistress of the seas, and the United States, a neutral nation. Baltimore, in particular, began to prosper because of these conditions; although the journal[6] of a Pennsylvanian seeking residence in Maryland at this period shows the diarist's indecision in respect to the prospects of Baltimore Town as compared with those of Elk Ridge Landing, which was then accessible to seagoing vessels. Annapolis, Bladensburg, Chestertown, and Oxford were also important shipping points for the great staples of Maryland: *viz.,* tobacco, corn, wheat, and flour. In fifteen years—from 1791 to 1806—Maryland exports increased in value from about $2,000,000 to $14,000,000. Shipbuilding kept pace with this commercial development, and in a few years Maryland excelled in the production of the "Baltimore Clippers," which soon became famous the world over as the fastest commercial vessels afloat.*

In 1807, President Jefferson secured the passage of the Embargo and Nonintercourse acts, which may be considered as variations, under new conditions, of the nonimportation agreements of the pre-Revolutionary period. Although under this procedure the merchants of Maryland greatly suffered, they, nevertheless, upheld the government. On the other hand, the commercial interests in New England defied the government because of these restrictions upon their trade. In this section

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*Referring to Elkridge Landing a British traveler wrote: "This village does not deserve noticing on account of its size, as it contains only about 15 houses, 2 stores, and a few shops for mechanics; but for being a place of business, long before Baltimore was inhabited. Here all the business was conducted on a large scale, it being the deposit of all the tobacco raised for a considerable distance, where it was inspected and sent to Europe. It is on the turnpike road to Washington, 7 miles from Baltimore, on the south side of the river Patapsco."[7]

insistent and ominous threats of secession had been heard from the time of the acquisition of the Louisiana Territory by the Republic in 1803. Talk of secession was accordingly revived, and the Embargo Act was practically nullified. It was no doubt natural that New Englanders should view with apprehension the vast expansion of the West and the South. Already the commercial interests in the East demanded or desired one policy, whilst the agricultural interests of the South and West demanded something quite different. In any event the opposition to the steps taken by Jefferson and Madison soon assumed alarming proportions. As far south as Philadelphia separation had become the talk of the hour; and the Merchants' Coffee House in that city had posted the slogan: "The Potomac the Boundary, the Negro States by themselves." In numerous letters published in the Northern newspapers, the Hudson or the Delaware was discussed as the boundary of the proposed Northern confederacy.*[8]

Because this agitation for separation failed, there has been a tendency to overlook, in its several manifestations, a once dangerous disaffection. By way of illustration, two brief quotations may suffice to illustrate the character of the sentiment that long preceded the famous Hartford Convention of 1814. On January 29, 1804, Timothy Pickering, formerly a member of Washington's Cabinet and then a Senator of the United States, addressed a letter to George Cabot, in which, despairing of aid from any state south of New York, he expressed the opinion that the "last refuge" of Federalism lay in New England.

> It must begin in Massachusetts . . . she must be made the center of the Confederacy.

On March 11th Roger Griswold, Representative in Congress from Connecticut, wrote to Judge Oliver Wolcott, who had succeeded Alexander Hamilton as Secretary of the United States Treasury:

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*This New England opposition to the acquisition of territory in the West bears no analogy to the opposition of Maryland to the addition of the Northwest territory secured by the expedition of George Rogers Clark. However definitely restricted her own boundaries may have been Maryland did not object to the addition of any area, provided it was acquired on terms open to all alike in settlement prior to the development of new states which were to be admitted on a basis of equality with the older commonwealths.

The project which we had formed was to induce, if possible, the legislatures of the three New England States who remain federal, to commence measures which should call for a reunion of the Northern States. The extent of those measures, and the rapidity with which they shall be followed up, must be governed by circumstances. The magnitude and jealousy of Massachusetts would render it necessary that the operation should be commenced there.[9]

Although the Maryland Federalists strongly disapproved of the disunion sentiment of their New England brethren, it must be admitted that there was a no inconsiderable element within the local branch of that party which was inclined to hamper and, it was believed, did help to prevent the energetic prosecution of war measures. Against this general attitude, Thomas Kennedy recorded an earnest protest when he wrote:

The power of declaring war rests with congress, and if the general government are not permitted to use all the means granted to them by the constitution and laws, for prosecuting war, for protecting our coasts and for repelling invasion, then indeed our union is only a name.*

In the meantime the Mohammedan pirates of the Mediterranean had been brought to terms by the energy and determination of President Jefferson. Although this is a matter which chiefly concerns Federal affairs, it is, nevertheless, one of peculiar interest to Maryland in that the story of the conflict with the Barbary corsairs is in effect a biography of Stephen Decatur, a son of the Eastern Shore. Although it has been remarked that the methods of the Barbary powers were not altogether dissimilar to the freebootery of Drake, Frobisher, and other excellent characters of a previous age, nevertheless, methods regarded as heroic in the Sixteenth and Seventeeth centuries were, in the Eighteenth, altogether reprehensible. Besides, to the earlier procedure of their Christian brothers the Mohammedans had added certain refinements in the imprisonment and ill-treatment of their captives, who were held for exorbitant ransoms. An increasing number of these captives were Americans, and some of them hailed from Maryland.

While in Paris Jefferson had been made a commissioner, with Adams, to settle, if possible, the Barbary troubles. Jefferson expressed surprise that the rulers of Europe should be willing, at stated prices, to bargain for freedom from molestation. Al-

*See historical notes to Kennedy's *Poems*, p. 317, published 1816. It may be added that this phase of Federalist obstruction in war times has never been adequately treated by historians.

though heartily opposed to war on general principles he thought it better to fight than submit to extortion. He proposed that the nations that had reached more advanced ideas as to international courtesies in time of peace should combine and either force the old-fashioned Mohammedans to sign treaties of peace, with agreements that they would exact no more tribute, or that they should be notified to prepare to repel the combined forces of a league of nations having the single purpose of ending irresponsible banditry on the high seas. Failing, however, in his effort to secure European coöperation Jefferson, during Washington's administration, had urged Congress to build and equip enough warships to bring the corsairs to book; but nothing effective was done until Jefferson became President, when American warships were dispatched to the Mediterranean. Bainbridge who in the previous administration had, on the *George Washington,* been compelled by the Dey of Algiers to carry the latter's dispatches under the Algiers piratical flag to the Sultan at Constantinople, was now sent back to the Mediterranean on a different mission; and with him went Decatur. Since Tripoli was the most defiant of the Barbary states, it became apparent that the war would drag along indefinitely until that power was subdued. Before, however, the American fleet was able to concentrate off the harbor, Commodore Bainbridge's ship, the *Philadelphia,* ran aground. The Tripolitans swarmed over the helpless vessel and captured Bainbridge and the crew of more than three hundred men. Furthermore the enemy succeeded in floating the *Philadelphia,* and thus added the American warship to their navy. Since this untoward event gave the enemy the preponderance in naval armament it was determined that the *Philadelphia* should be destroyed; and in a brilliantly conducted attack made under the most discouraging conditions Lieutenant Decatur routed the enemy and destroyed the vessel. Following this exploit the young Marylander took a prominent part in a series of attacks upon Tripolitan gunboats, and one of the most widely circulated pictures of the first half of the Eighteenth Century represents his hand-to-hand conflict with a Tripolitan officer during an engagement in which his brother James lost his life.*

*Decatur's attack upon the enemy gunboats in the harbor of Tripoli has been described as the "biggest little fight in history"; and it was generally admitted

Thomas Jefferson began his second term as President of the United States on the 4th of March, 1805, and in the following December the Ninth Congress was convened. The message of the President dealt principally with foreign relations represented as being in an unfavorable condition on account of the proceedings of France and England, then at war. In his message to Congress, Jefferson wrote:

> Our coasts have been infested and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretense of legal adjudication, but not daring to approach a court of justice they have plundered and sunk them by the way, or in obscure places where no evidence could arise against them; maltreated the crews and abandoned them in boats in the open sea or on desert shores without food or covering.

General indignation throughout the United States was aroused by these invasions of neutral rights. In almost all the commercial towns and cities meetings of merchants were held and strong memorials were prepared urging the President and Congress to adopt measures for resisting these pretensions and procuring redress. The memorial of the citizens of Baltimore, adopted the 21st of January, 1806, contains a lengthy review of existing conditions, coupled with so strong a statement of neutral rights that Matthew Carey declared that it "ought to be committed to memory by every statesman, in all those countries whose interest it is to preserve a neutral situation." In line with the demands of the merchants that Great Britain be induced to abandon her pretensions and cease her encroachments, an Act of Congress was passed on the 18th of April, 1806,

> prohibiting the importation, from any of her ports or the ports of her colonies, of any goods manufactured of leather, silk, hemp, tin, or brass; low-priced woolen cloths, window-glass and glass-ware, hats, clothing, millinery, playing cards, beer, ale, porter, pictures and prints,

—a measure reminiscent of the nonimportation agreements of Maryland in colonial days. In May, 1806, William Pinkney was

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that this young officer divided with Commodore Preble the honors of a romantic campaign. In recognition of his exploit in destroying the *Philadelphia* and thus restoring the balance in favor of the American expeditionary force, Decatur was, at the age of twenty-five, placed in command of the *Constitution*.

appointed Minister Extraordinary to the Court of St. James, for the purpose of coöperating with James Monroe, the resident Minister, in an attempt to effect some satisfactory arrangement with Great Britain. Meanwhile the government of Great Britain passed further orders in Council, declaring a blockade of certain European ports. Napoleon retaliated with his Berlin Decree,

> forbidding the introduction of English goods into any port in Europe, even on board neutral vessels, and closing the ports of France against any vessel that had touched at an English port.

Great Britain met this move by an order declaring the whole coast of Europe in a state of blockade. Napoleon further retaliated with the Milan Decree, confiscating not only the vessels and cargoes that violated the Berlin Decree, but even such as had been searched by British cruisers.

The commercial interests of the United States thus found themselves between the upper and lower millstones; and, as the chief sufferers among the neutral commercial nations, it was left for the Federal government to decide which of the contending powers should be marked as the enemy. Great Britain ultimately received the challenge, chiefly, or wholly, because she was in a position to inflict the greater damage and had closer and more frequent contacts with American commerce.

While matters were in this unfortunate and exasperating condition an incident occurred that was destined to be a determining factor in deciding the course of subsequent events. Three men of the British frigate *Melampus,* engaged with the British squadron in watching some French vessels blockaded at Annapolis, escaped and subsequently enlisted as part of the crew of the United States frigate *Chesapeake,* built in Baltimore for service against the Barbary powers. In June, 1807, the *Chesapeake,* carrying forty guns, put to sea with the three men on board. When not far from the Virginia Capes, she was confronted by the British frigate *Leopard,* fifty-two guns, in command of Captain Humphreys. Humphreys sent a message to Captain James Barron to the effect that Admiral Berkeley, his commanding officer, had directed him, under orders bearing date the 1st of June, to take any British deserters on board the *Chesapeake,*

by force, if necessary, and allowing Barron, on his part, a search for any American deserters.*

Upon receipt of Barron's reply that he had no deserters on board the *Chesapeake* and upon his refusal to permit a search or to allow his crew to be mustered except by their own officers, the *Leopard* opened fire on the *Chesapeake,* which vessel being thus taken by surprise, was compelled to strike her flag. Three men were killed and eighteen wounded, including Captain Barron and John Hayden of Baltimore. When the American ensign had been lowered several of the British officers boarded the vessel, arrested the three seamen from the *Melampus,* and seized Jenkins Ratford, a British subject, who had deserted from the *Halifax.*[10]

In the United States men of all parties joined in the common clamor for reparation or for war. At Annapolis, Maryland, the citizens held a public meeting on the 29th of June, 1807, with Governor Robert Wright in the chair. One of the resolutions passed at this meeting pledged

> our lives and property in support of such measures as may be adopted by the Government for avenging the present sanguinary insult, or for meeting the further hostilities which it gives room to expect.

At Baltimore, on the same date, a similar meeting was held, with General Samuel Smith as chairman. Resolutions of like tenor were adopted, and a committee of correspondence was appointed, with the following citizens as members: Alexander McKim, Thomas McElderry, James H. McCullough, James Calhoun, Samuel Sterett, Robert Gilmor, Mark Pringle, and John Stephen. In July, 1807, Governor Wright authorized the Adjutant General of Maryland to detach 5,863 men from the

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*The three seamen were William Ware, a mulatto born in Frederick County, Maryland, impressed by the *Melampus* in the Bay of Biscay; John Strachan, a native of Queen Anne's County, who had shipped on an English vessel at Liverpool and was impressed on board the *Melampus* off Cape Finisterre. The third was Daniel Martin, a negro of Massachusetts, who was impressed at the same time and place with William Ware.

In extenuation of Admiral Berkeley's conduct it should be said that in sending his orders he did not know about the three impressed men above mentioned; he was in search of five British-born seamen alleged to have enlisted on the *Chesapeake.* These men were deserters who had openly received protection on American soil and had applied for service with Lieutenant Sinclair of the *Chesapeake.* Sinclair wrongly held these men and they had actually joined the crew of the *Chesapeake* when it was at Washington, although four of them had shortly deserted.

militia, as Maryland's quota of the 100,000 men ordered by the President under a requisition issued on July 6th, to be ready to take the field.

Pursuant to a recommendation of the President embodied in a special message Congress passed an Embargo bill in December, 1807, whereby all American vessels were prohibited from sailing for foreign ports; all foreign vessels from taking out cargoes; and all coasting vessels were required to give bond to land their cargoes in the United States.

In New England, the law was denounced as unconstitutional, tyrannical, oppressive, and unjust toward American citizens, as well as ineffective with respect to those nations whose insults and outrages it was designed to check. The Southern states, on the other hand, sustained the administration; and their representatives in Congress, under the leadership of General Samuel Smith of Baltimore, Giles of Virginia, and Crawford of Georgia, expressed their amazement at the violent attitude of the New Englanders in contrast with the patriotic acquiescence of the middle states, especially as the maritime commerce of Maryland, at least, was proportionately equal to or greater than that of Massachusetts. In consequence of the tumultuous clamor thus excited, the Embargo Act was repealed on the 1st of March, 1809; and on the same day was passed the Non-intercourse Act, which opened the commerce of America to all nations except England and France, whilst excluding British and French ships from American ports.

In the midst of the turbulent state of affairs just described the Presidential election was impending, and the people were discussing the question of a successor to Mr. Jefferson, who had refused the use of his name as the nominee of his party, although his friends in the Maryland Legislature, who were in the majority, urged him to consider a third term. James Madison was chosen President and George Clinton Vice President as a result of another Democratic-Republican victory. Maryland's vote was divided. Edward Lloyd was chosen Governor on the 5th of June, 1809, to fill the unexpired term of Governor Wright, who had resigned his office. In the following year Robert Bowie was elected, and on the 19th of October, 1811, ex-Governor Lloyd introduced into the Maryland Senate a set of resolutions which closed as follows:

Resolved, That the President's message, moderate, important and decisive, deserves all our praise. It points out the best course to an honorable independence.

Resolved, That the independence established by the aid and valor of our fathers will not tamely be yielded by their sons, the same spirit which led the Maryland regulars to battle, still exists in the State and waits only for its country's call.

Unfortunately for the success of the Jeffersonian policies, international negotiations were being carried on under increasingly difficult circumstances. In the Northeast the Federalists were threatening secession. On the other hand, a powerful element in the Democratic party was so clamorous for open conflict that serious trouble was threatened if their demands were not granted. Many commentators have made insufficient allowance for these conditions and have thrown a misleading emphasis on the frequent changes in policy forced upon Presidents Jefferson and Madison, in which they sought to save the Union on the one hand (coercion not then being deemed possible or permissible under "the Federal compact"), and to control their own party on the other. Even under such heavy handicaps the policies pursued were causing in Great Britain a strong commercial opposition to the course of the government of that country. Frequently the fact is ignored that just before Congress declared war England repealed all her objectionable "orders" directed against American commerce. Had there been a transatlantic cable, the course of events would have been greatly changed.

Perhaps the majority of commentators assign the "impressment of seamen" as the primary cause of the war. "The war for 'Sailors' Rights' " became a popular statement for several generations. Henry Adams, however, says:

When this grievance was finally taken up, it was an afterthought, when the original cause failed to unite and arouse the people. If England had yielded to our commercial demands, nothing would then have been said of impressments.

As a matter of fact the "War Hawks" of the Democratic-Republican party were stirred to frenzy by the constant clashes between the British-Canadian trappers and the frontiersmen from the states; and by Indian massacres alleged to have been incited by British agents. In addition, it may be noted that the

American fur trade interests were not backward in the repetition of these stories and in calling for a declaration of war against the nation which threatened their business.*

On the 21st of May, 1812, a committee of delegates from all the wards of Baltimore met at the Fountain Inn, with Joseph H. Nicholson as president, and John Montgomery as secretary. The resolutions adopted at this meeting arraigned not only England but also France and nations allied with her. The resolution with respect to the English government read:

> That, inasmuch as Great Britain has rejected those terms and still persists in violating every principle heretofore held sacred among nations, no alternative is left to the United States but to choose between war and degradation. In the choice of these it is impossible freemen should hesitate, and in the prosecution of such a war we pledge ourselves to support our government at every hazard.

With respect to Napoleonic policies, it was declared:

> That the conduct of France and of other powers in alliance with her and under her immediate influence towards the United States has been scarcely less atrocious than that of England; and if the pending negotiations should terminate without an honorable adjustment of existing difficulties, we have full confidence that our government will direct the most active hostilities to be commenced against her for a redress of our grievances and the maintenance of our rights.

On the 18th of June, 1812, war was formally declared against Great Britain, the draft of the declaration having been prepared by the Attorney General, William Pinkney, of Maryland. The national Administration in 1812 was overwhelmingly Democratic. In Maryland the parties were more nearly equal. At the time of the declaration of war, the *Gazette* records that Governor Bowie

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*The confusion of thought concerning the events leading up to the War of 1812 may be aptly illustrated by the following apparently contradictory statements, made respectively by two distinguished historians—contemporaneous commentators of the same university. In his *Foundations of American Foreign Policy,* Professor Albert Bushnell Hart writes: "The United States waited till the European system . . . was on the point of falling to pieces of its own weight, and then made war on the power which, on the whole, *had done us the least harm.*" On the other hand, in his *Jeffersonian System,* Professor Edward Channing writes: "The intention of the English government seems to have been to treat the neutral fairly . . . *but the English confiscated so many more neutral vessels, owing to the activity and strength of their cruisers and privateers that the greater hostility was aroused against the British.*"[11]

was so rejoiced when he heard the news that he did not wait for his hat, but proceeded through the streets bareheaded to the State House where he congratulated the leaders upon the welcome news.

Nevertheless, at this time there occurred in the city of Baltimore an incident which was destined to terminate the influence of Bowie in Maryland politics and to react to the injury of his party. On the 20th of June, after the declaration of war against Great Britain, there appeared in the *Federal Republican,* a newspaper published in Baltimore by Alexander Contee Hanson and Jacob Wagner, an editorial article following up previous attacks upon the Administration. Wagner was a Federalist partisan of the most extreme type and had, under the Federalist régime, served as a clerk in the Department of State. On the second day following the publication of this criticism, a mob wrecked the printing office, destroyed the furniture and equipment, and razed the building in which the paper was published. Thereupon the editors decided to continue the printing and publication of the paper at Georgetown, where it was issued until July 26th, when Hanson, with some friends, returned to Baltimore and occupied a house on Charles Street.

Doubtless many of those then living remembered how William Goddard had withstood a mob of angry Whigs during the Revolution (*supra*). In a sense Hanson and Wagner were emulating Goddard's example in defying public sentiment; but the population of the city had increased so rapidly that it had outgrown not only its former limits but its former wholesome restraints. There was now no outstanding Whig advocate to argue the case of the freedom of the press before the General Assembly. Nor was Judge Chase at hand to call to account prominent leaders of the mob, as in the case of the maltreated British sailors. No change so aptly illustrates the need of eternal vigilance, if liberty be not lost in tyranny on the one hand or license on the other. When Hanson determined to resist threatened attack, he prepared against it by the introduction of arms and men into his office building. This was in keeping with a definite declaration that he and his supporters would preserve freedom of speech to the point of taking up arms therefor. A number of Hanson's friends had volunteered their services for "maintaining the rights of persons and property and defending the

liberty of the press." Copies of the paper issued in Georgetown were forwarded to the Charles Street house and were distributed from that place; but at night a mob "stoned the house, beat in the door, brought up a cannon and were about to blow the building to pieces," when a compromise was effected through the mediation of the Mayor and General Stricker, commander of the militia. In consideration of the promise of a military guard, the "garrison" surrendered to the civil authorities and the crowd dispersed. The following members of the editorial garrison were conducted to jail for safe keeping and for further examination: Alexander C. Hanson, General Henry Lee, General James M. Lingan, William Schroeder, John Thompson, William B. Bend, Otho Sprigg, Henry Kennedy, Robert Kilgour, Henry Nelson, John E. Hall, George Winchester, Dr. Peregrine Warfield, George Richards, Edward Gwinn, David Hoffman, Horatio Bigelow, Ephraim Gaither, William Gaither, Jacob Schley, Mark U. Pringle, Daniel Murray, and Richard S. Crabb. Upon the removal of the prisoners, the house was gutted by the mob; subsequently, after the militia had been withdrawn, the jail was stormed. Eight of the prisoners mingled with the attackers and escaped; nine were taken, beaten, and otherwise maltreated. General Lingan was killed, and General Lee was made a cripple for life. John Thompson, after being badly beaten, was tarred and feathered. Some of the others were hidden in hay carts and sent to friends out of the city; while those remaining, being too badly hurt to be moved, were cared for at the jail hospital.[12]

As previously intimated, these excesses on the part of the Democrats did much to take from them their lately acquired power in Maryland affairs; Governor Bowie failed to apprehend the instigators of the mob, and the Federalists accused him of shielding criminals. Another factor which tended to throw Maryland into the ranks of the Federalists at this time was the disagreement between the counties and the city of Baltimore in relation to the amount of influence which the latter should be permitted to wield in the administration of state affairs. The counties were apprehensive lest Baltimore should ultimately gain control of the state machinery, and it was this fear, combined with their displeasure with the Baltimore rioters, that

brought about a change in the complexion of the Maryland State Legislature, which convened in the fall of 1812. The reaction was immediately felt in the House of Delegates, which became strongly Federalist as a result of the election. The Senate continued Democratic, but when the legislature was organized it elected Levin Winder governor by a vote of 52 to 29 cast for Bowie.

Winder and his party had been, and still were, opposed to war with Great Britain, which had already commenced. Nevertheless, the Governor immediately set about making preparations for the defense of the state against the invasion of the enemy. Having called an extra session of the General Assembly he requested that action be taken to provide means for defense. Consequently the Assembly appropriated sufficient funds to defray expenses hitherto incurred and to provide for active military operations.

At the beginning of the war the naval force of the United States consisted of seven frigates and a few smaller vessels, some of which were unseaworthy. Congress immediately proceeded to call for privateers pursuant to the text of the declaration of war wherein the President was empowered

> to issue to private armed vessels of the United States, commission or letters of marque and general reprisal in such form as he shall think proper and under the seal of the United States.

The issue of commissions was regulated in detail by subsequent enactments. On the one hand, the great disparity between the opposing sea forces of the two nations dispelled all hope of American success in a maritime war with Great Britain; but, on the other, the possibilities of an aggregation of thousands of American seamen, daring and resourceful, manning the fast trade vessels of the United States and actively employed against British commerce, were duly appreciated both in England and in America.[13]

Reference has already been made to Maryland shipbuilding and seamanship, but during the embargo and nonintercourse period, particular attention had been given to the building of swift sailing "clipper" ships to engage in the carrying trade.

> Baltimore shipbuilders [wrote Henry Adams] were preëminently successful in developing this type of vessel, which soon became noted the world over

for its beauty and fine sailing qualities. The models were borrowed all along the Atlantic seaboard, and Baltimore ship carpenters were in great demand everywhere. Carrying an enormous spread of canvas these vessels sat so lightly upon the water that they appeared "as if about to rise and fly in the air."

Within the space of one month, after the declaration of war [says Marine], a little volunteer navy of sixty-five vessels was at sea and prizes were arriving almost daily. While the achievements of some of the Maryland privateers have become famous and have passed into history, the whole story will never be known. Only a few of the log books are known to be in existence, and these for single cruises; and as the privateersmen were more facile with the cutlass than the pen, these sources of information leave much to be desired.[14]

Within six weeks after the declaration of war Lieutenant Jesse Duncan Elliot, U. S. N., and Captain Nathan Towson of the Second Regiment, U. S. Artillery, both natives of Maryland, proceeded northward to take part in the Canadian invasion and captured the British brigs *Detroit* and *Caledonia* under the guns of the enemy at Fort Erie. The *Detroit* was destroyed, but the *Caledonia* was salvaged and recovered to make one of Commodore Perry's victorious fleet. A little later a regiment of infantry, equipped by subscriptions on the part of the citizens of Baltimore, was sent by the city under command of Lieutenant Colonel William H. Winder for the Canadian service; and on the 5th of October, 1812, a company of one hundred men, under Captain Stephen H. Moore, marched from Baltimore to reënforce Winder.

At first Great Britain was so busily engaged in her struggle with France that her statesmen could give but little attention to the conflict with the United States. On the 26th of December, 1812, an order in council was passed declaring the ports and harbors of the Chesapeake and Delaware bays under blockade. On the 4th of February, 1813, Admiral Sir George Cockburn entered the Virginia Capes and took possession of Hampton Roads with four ships of the line, six frigates, and several smaller vessels of war. This force was materially increased by the arrival early in March, 1813, of Sir John Borlase Warren. On the 20th of March the whole coast of the United States was declared in a state of blockade, with the exception of Rhode Island, Massachusetts, and New Hampshire; the purpose of this exemption avowedly being to show favor to that section of

the country in the expectation of further alienating those dissatisfied with the Federal government.*

Early in April, 1813, the British fleet moved from anchorage at Lynn Haven Bay and proceeded slowly up the Chesapeake. The Federal government failed to offer adequate protection. In short, the Administration was not prepared for war operations. It lay between the peril of New England nullification and threats of secession on the one side, and, on the other, the demands of the "War Hawks" that available troops should be marshaled against Canada. On the 16th of April the city of Baltimore was threatened by Cockburn's fleet as it lay off the mouth of the Patapsco. Preparations for defense were expedited, the City Council of Baltimore appropriating $20,000 for that purpose, which amount was supplemented by a loan to the Citizens' Committee of $500,000. While the hostile fleet lay in sight of Baltimore frequent landings were made by small marauding parties in search of fresh water and provisions for the British ships, and the city was kept in a state of suppressed excitement and suspense. Minor engagements occurred at sundry places on either shore of the Chesapeake.

On May 17, 1813, Governor Winder convened the General Assembly in extra session and laid before that body all the correspondence that had passed between him and the United States authorities. In his message to the Legislature the Governor asserted that Federalist Maryland had been neglected and that favoritism had been shown Democratic-Republican Virginia. This portion of the message was referred to a special committee, who reported in a few days. After discussing the constitutional duty of the general government "to provide the individual States with ample and efficient means of resistance to the calamities incidental to hostilities declared by the Congress of the United States," the Committee reported, among other things,

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*New England continued disaffected during the course of the war. This disaffection reached its political climax in the Hartford Convention. Disloyal acts were numerous and flagrant. Warnings were issued to British war vessels; and several of the New England States effectively practised nullification of the acts of Congress. When, in accordance with the Federal law, the Secretary of War issued the call for state militia, the Governors of three of these states refused to obey, and a special committee of the General Assembly of Connecticut declared that their Governor was under just as binding obligations to support the Constitution of Connecticut as that of the United States.

that the refusal of the Executive of the United States to assume the liquidation of the claims arising from the employment of the militia of this State, in the same manner that they have liquidated those of Virginia for the employment of the militia of that State is partial, unjust and contrary to the spirit of our Constitution.*

During the spring and summer of 1813, marauding expeditions were frequent in St. Mary's County. The enemy took possession of Blackistone's and St. George's Islands and soon after landed a force of about two thousand men not far from Point Lookout. Here they organized small parties which committed depredations along the shores of the Potomac and Patuxent rivers.[16] The invaders evacuated Point Lookout on the 27th of July, and on the 30th the entire fleet proceeded up the bay. After threatening Annapolis and Baltimore, on August 6th they took possession of Kent Island. Here they landed about three thousand men, and from the ships that lay at anchor expeditions of the usual sort were sent out. On the 8th of August about fifteen vessels appeared off Baltimore as if designing an attack, but in a few days the enemy moved off and threatened Annapolis. Doubtless because he was advised of the vigilance of the citizens of Baltimore and Annapolis and of the preparations made to receive him Cockburn decided to pass by, for the moment, the political and commercial capitals of the state and attack weaker points. Hence, from Kent Island, operations on the Eastern Shore were renewed. Queenstown and St. Michaels were attacked. Both were defended by Maryland militia; and the attack upon St. Michaels being repulsed the British closed active operations in the Chesapeake for the year 1813. Although, during this war, the British did not, as they had under Dunmore (*supra*), make a formal offer of emancipation to the slave population, one hundred and seventy negroes were seized and embarked on several of the captured schooners; in company with a large part of the blockading squadron they were sent to Bermuda.

While Governor Winder was struggling with the means at

*On the other hand, against this charge of partiality may be placed one of general governmental oversight, as in the case of General James Singleton, commander of the Sixteenth Brigade, Virginia militia. General Singleton not only led his brigade to the defense of Baltimore in 1814, but supplied it largely at his own expense when Federal funds were not forthcoming—for which he was never reimbursed. Years afterward Reverdy Johnson declared in the United States Senate that this unpaid debt "is a blot on the escutcheon" of the United States government.[15]

hand to afford Maryland protection the time for another gubernatorial election arrived. There was a contest in the election of the members from Allegany County, and when the vote was taken for governor a number of the legislators, because of what they held to be an unjust ruling on the part of the Federalists, refused to vote. The Democrats had made repeated attempts to organize the house before the Allegany delegates could be admitted, but their maneuvering was futile, and they were defeated at each fresh move to gain their point. A vote was taken for Governor, and Winder was declared reëlected. On the 29th of January, 1814, the Maryland Senate passed a resolution warmly commending the course of the President and of the majorities in Congress for the vigorous prosecution of the war. On the other hand, there was reported a resolution and address to Congress and the President complaining that neglect on the part of the Federal authorities had left the state open to attack by the enemy throughout the extent of the Chesapeake Bay.[17]

Early in March, 1814, Admiral Cockburn resumed his depredations in the lower part of the bay. In response to the demand for some kind of naval force to keep the enemy in check the Navy Department, in the summer of 1813, had offered Joshua Barney the command of a flotilla of barges then being constructed in the city for the defense of the Chesapeake and its tributaries. Having accepted the offer Commodore Barney fitted out his flotilla and by April, 1814, was ready for active service, having under his command twenty-six gunboats and barges and about nine hundred men, officered by shipmasters and mates of the city of Baltimore.

On the second of June, 1814, the British 74-gun ship *Royal Oak,* Rear Admiral Pulteney Malcolm, Captain Edward Dix, accompanied by three frigates, three sloops, two bomb vessels, five armed ships, and three transports having on board troops under Major General Robert Ross, sailed from Verdun road at the mouth of the Gironne. On the 24th of July the squadron reached Bermuda and there joined Vice Admiral Cochrane in the 80-gun ship *Tonnant.* On the second of August, having received on board the *Tonnant* General Ross and his staff, Sir Alexander Cochrane sailed, in company with the 36-gun frigate *Euryalus,* Captain Charles Napier, for Chesapeake Bay, and on the 14th of August arrived and joined Rear Admiral Cock-

burn, off the mouth of the Potomac. On the next day General Ross, accompanied by Admiral Cockburn, went on shore to reconnoiter; and it was during the excursion with General Ross that Cockburn suggested the attack upon the city of Washington.[18]

On the 17th of August Rear Admiral Malcolm arrived with the troops and joined Cochrane off the mouth of the Potomac; and the expedition proceeded to the Patuxent. In the meantime Captain James Alexander Gordon, of the 38-gun frigate *Seahorse,* with some vessels of the squadron, had been detached up the Potomac to bombard Fort Washington, situated on the left bank of that river, about fourteen miles below the Federal capital; and Captain Sir Peter Parker, with the 38-gun frigate *Menelaus,* had been sent up the Chesapeake, above Baltimore, to create a diversion in that quarter. As early as the 18th of August it was known at Washington that the enemy was coming up the bay in force, and on the next day Commodore Barney sent from Nottingham a dispatch to the Secretary of the Navy containing an account of the strength of their fleet and advising that "a large number of small boats are now under way, standing up the Patuxent, with a number of men, with a determination to go to the City of Washington, as they said yesterday." In reply the Secretary of the Navy sent orders to the commodore to retire with his flotilla as high up the river as he could get and, if the enemy landed, to set fire to the boats and with his men join Brigadier General William H. Winder, who had been recently appointed to the command of the Tenth Military District, composed of that part of Virginia between the Rappahannock and Potomac rivers, the District of Columbia, and Maryland.

On the 21st of August information reached Commodore Barney that the enemy had disembarked at Benedict and were then in full march on the road to Washington. Barney immediately landed with nearly all his officers and 400 men, leaving the flotilla under the command of Second Lieutenant Frazier, with positive orders, should the enemy appear near him in force, to set fire to every boat, after which Frazier was to join him with the rest of the men. Having issued these orders Barney set out to join General Winder.

In the meantime Ross arrived at Nottingham, where he re-

mained during the night of the 21st of August. On the following day, soon after daybreak, the whole army moved forward again, having taken what is called the Chapel Road to Upper Marlboro, which diverges from the river end, at a few miles distant from Nottingham Forks, one branch running northward to Marlboro, and the other westward to Washington. At this fork Ross turned into the road at the Wood Yard as if to advance in that direction; but, after halting an hour or more, he retraced his steps and turned into the road to Marlboro, thus deceiving General Winder as to his real direction. In consequence of these movements of the enemy, Winder, who was endeavoring to collect a sufficient force at the Wood Yard to impede the progress of the British, ordered his troops to retire to a place called the Long Old Fields, about eight miles from Washington.

While General Ross and his men were resting themselves at Upper Marlboro General Winder and his army, now joined by Commodore Barney and the men of his flotilla, were lying at their encampment at the Long Old Fields, a few miles distant. On the next morning the American troops were reviewed by President Madison. Soon after this review a detachment from the American army advanced along the road to Upper Marlboro, and after exchanging a few shots with British skirmishers fell back to the main body.

At ten o'clock on the morning of the 24th it was known to General Winder that the enemy was moving toward Bladensburg, and he proceeded to arrange his troops to meet their advance. General Tobias E. Stansbury, the commander of the Maryland brigade and a veteran of the Revolution, being called upon, assisted General Winder in placing his troops in position. The plan of battle provided for three lines of defense. The first line consisted of the Baltimore brigade under Stansbury; Pinkney's riflemen (150 men); the Fifth Maryland Infantry (500 men) under Sterett; Maryland Infantry under Colonels Ragan and Schutz; and the two Baltimore batteries of artillery, the "American" under Captain Robert B. Magruder and the "Franklin" under Captain Joseph Myers; in all, about 2,200 men. On the Georgetown road, there were a company of riflemen, one of infantry, one of artillery, and one of cavalry. The second line of defense consisted of two commands of Washing-

ton and Georgetown militia under Colonels Magruder and William Brent, which, with two companies of light artillery composed of volunteers from Washington, formed a brigade under General Walter Smith; also two companies of Georgetown troops and a company of volunteers from Alexandria, Virginia, with Kramer's Infantry and Colonel Beall's Infantry from Anne Arundel County. In the rear of this line was the third line, consisting of the Pennsylvania and Virginia troops, under General Douglas of Virginia, and in front of this line were the works of Barney, who in the closing hours of that memorable day was to cover himself with glory.

The plan of battle was arranged by Winder and Stansbury to prevent the enemy from crossing the bridge which led into Bladensburg. It was left to the Baltimore brigade to check the advance of the enemy, the Baltimore artillery and Pinkney's riflemen to hold the bridges, supported by the Fifth Maryland Infantry and the infantry under Ragan and Schutz. At twelve o'clock the detachment which had been sent forward to locate and annoy the approaching enemy returned and went to the rear. In a few moments the enemy's advance guard appeared in the road and began firing rockets, which reached the unprotected regiments of Sterett, and Ragan, and Schutz, who were now more than a quarter of a mile in the rear of the riflemen and artillery. The moving of these regiments disconcerted the whole line of defense and support, in full view of the enemy, and without any service to the batteries or themselves. There was little or no opportunity to correct the errors that had been committed, for the enemy was now seen coming down the hill just beyond Bladensburg and rapidly advancing toward the bridge, which they could hardly have crossed had the original battle plan been followed. The attacking line of the British was about fifteen hundred to two thousand strong, with some heavy field pieces, General Ross in command of the land forces, and Admiral Cockburn in charge of the sailors and marines. The British were not long in crossing, although the first attempt was not successful owing to the resistance of the two Baltimore batteries and Pinkney's riflemen. The enemy were driven back by the raking fire of the riflemen and were compelled to take refuge behind an old house which had previously given shelter to a portion of the Fifth Regiment and which had been abandoned. Re-

inforced, however, the British fell upon the Americans, who alone commanded the pass from the bridge. These, finding no support coming to their aid, fell back to a position overlooking the road. The British in formidable numbers now began pressing the second line, when a company of district militia, becoming panic stricken, broke and ran, throwing their guns upon the ground. The whole force of the enemy was now hurled against the Fifth Maryland Regiment and the batteries of Magruder and Myers. The gallant men of these commands not only checked their advance, but the Fifth pressed their lines so strongly at the point of the bayonet that the British were compelled to fall back to the margin of the stream, where they stubbornly maintained their position until again reinforced by a part of the Grenadiers or Second Brigade. Thus strengthened they pressed forward and soon turned the American flank, sending a flight of rockets into Stansbury's brigade, when the regiments of Ragan and Schutz broke and fled in great disorder.

General Stansbury, although seeing the case was hopeless, ordered the Fifth Regiment to stand firm, which they did, until both flanks were turned, when General Winder ordered them to fall back to a slightly elevated position near the Washington road. The whole body of the enemy, 4,500 strong, was now pushing forward when an orderly notified Stansbury to hold the enemy in check while he attempted to rally the frightened militia, who were retreating toward Washington and Georgetown. Stansbury, however, held a council of his officers and by their unanimous advice beat a retreat. As his troops filed down the road he again received orders to make a stand at this place, but refused to obey, saying that nothing but complete annihilation of his command could result, as he was outnumbered five to one. As he was crossing a narrow stream an orderly came to him, greatly excited, and demanded to know why he disobeyed the commander's order. His reply was, "Tell your commander that I am responsible for the disobedience and will answer for it when required." At two o'clock nothing stood between the enemy and Washington but the batteries of Barney. Barney's left was soon carried by the British marines, but the American seamen drove the invaders back, and when they rallied it was seen that they had suffered a severe loss; the next attack, how-

ever, was made by their combined forces and ended the day's battle. Barney himself was wounded and made a prisoner.

In order to divert the attention of the American forces from Baltimore, the principal objective of the British expedition, the British had planned a minor expedition across the bay, part of the purpose of which was to prevent troops there from crossing the bay to the relief of the principal harbor of the famous clipper ships.[19] The frigate *Menelaus* and minor war vessels, under the command of Sir Peter Parker, on the 20th of August sailed up the Chesapeake and hove in sight of Rock Hall, on the Eastern Shore. Parker finally came to anchor about a mile to the north of the farm on which Tolchester Beach is now located. In an effort to surprise and annihilate a small body of Maryland militia under Colonel Read, a veteran of the War for Independence, Parker was destined to become the second British seaman of that name to meet defeat in America, the other being the Sir Peter Parker who was twice wounded at Fort Moultrie thirty-odd years before.

About half-past eleven o'clock on the night of the 30th Colonel Read received information that barges of the enemy were moving in shore; and at once he advanced to meet the invaders. The engagement that followed was fought by the light of the moon in the early morning of August 31st; and, as so often happened, the Americans proved by far the better marksmen. The British lost their gallant and enterprising commander and a number of officers and men, while the Americans sustained no casualties other than three officers and men slightly wounded. The British fought in the shade of "neighboring woods," while the Americans returned their fire from rising ground upon which "the moon shone brilliantly." Thereupon the *Menelaus* and her companion vessels were withdrawn, bearing on board the body of Sir Peter Parker to a new anchorage across the bay off Poole's Island.

The news of the capture and burning of Washington and the arrival of the militia from the scene of the disastrous battle of Bladensburg occasioned a feeling of keen apprehension in Baltimore, for it was well known that this "nest of privateers" was to be a special object of attack. *Niles's Register*[20] prominently published a statement in the London press to the effect that the

grand expedition preparing at Bordeaux [was] destined for the Chesapeake direct. . . . The seat of the American government, but more particularly Baltimore is to be the immediate object of attack. . . . Terms will be offered to the American government at the point of the bayonet.

In the meantime, however, the people of Baltimore had not been idle. A general committee of vigilance and safety, of which Mayor Edward Johnson was chairman and Theodore Bland secretary, coöperated with General Samuel Smith and the military. The latter committee was organized on the 24th of August, the day after the Bladensburg fight, at a meeting of citizens convened by the mayor. On the 25th the Committee passed resolutions to the effect that Major General Samuel Smith be requested to take command of all the forces that may be called into service for the defense of the city; for volunteers and militia from the adjacent parts of Maryland, Pennsylvania, and Virginia were fast arriving.[21]

While the attempt to capture Baltimore and further strike at the center of American resistance may well be regarded as a major operation on the part of the British a mere opening skirmish shortly after their landing may be said to have turned the tide of war and materially modified both the character and the outcome of the double engagement by land and sea. This skirmish resulted in the death of Major General Robert Ross, the most capable leader of the British army of invasion. His death, following so closely upon that of Sir Peter Parker across the bay, had a tendency to destroy the morale of the invaders, even though a large proportion of them were veterans who had served under Wellington in the Peninsular campaigns, or under Nelson on the Nile and at Trafalgar.

From the British point of view the best contemporary account of the land attack directed at Baltimore is from the pen of the British chaplain, the Reverend Mr. Gleig. On the American side we have the report of General John Stricker; and, as opposing accounts go, it is surprising how much the two are in agreement and how little contradictory they are of each other. The former narrator, in speaking of the engagement, definitely uses the expression, "The Battle of Baltimore," by which it should be known in history.*

*The conflict for the possession of New Orleans, which followed a few months later, would have been equally confusing to the general public had that series of

The preparations for the defense of Baltimore were carefully made and, according to the reports of the British observers and officers, showed "considerable" knowledge of military science. Although Baltimore had already made an extensive loan to the Federal government from which the city was to derive, for its defense, little or no direct benefit, her citizens contributed most liberally to carry out the plans of General Smith and his advisers. Revolutionary veterans too old to fight encouraged those who could; and on all sides men volunteered to help blockade the harbor against the near approach of the British men-of-war. In addition all kinds of fortifications were thrown up in support of those who were to defend Fort McHenry, the principal hope of the city; and especially on Hampstead Hill, to guard against the expected advance from the direction of North Point.*

In the conflict on land, in conformity with the strategy of Major General Samuel Smith, the militiamen were to acquire, if possible, a gradual acquaintance with the enemy whilst making every effort to impede his progress up to the principal line of entrenchments on Hampstead Hill, where, it was planned, the main battle was to take place. Altogether the plan was not unlike the educational tactics of Washington in the Revolution with some of those employed by Andrew Jackson at New Orleans. Evidently General Smith was well aware of the effectiveness of the superior discipline and training of the British regulars. He knew that the British troops were perhaps the best in the world in the use of the bayonet, and that their equals of the Maryland Line of the Revolution had passed away; but he also knew that American citizens could outshoot any soldiers of that day, and that they would be peculiarly effective behind

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engagements in Louisiana been called after the names of the various bayous where they were fought. Again, with regard to the outcome of the war as embodied in the treaty of peace, the successful defense of Baltimore (coupled with the second double victory near Plattsburg) was far more important than even that most notable of victories by American arms under Jackson. For immediately after the battles of Baltimore and Plattsburg the relative status of the peace commissioners at Ghent was almost reversed. On the other hand, if Baltimore had been captured it is likely that the British representatives would have continued their haughty demeanor, and their demands would have been regarded, as before, as impossible. The repulse of the British at Baltimore has been neglected out of proportion to the real importance of the outcome of the Chesapeake campaign, which may be said to have begun with the defeat at Bladensburg and the capture of the Federal capital.

*Across Patterson Park, approximately to the site of the Johns Hopkins Hospital.

breastworks or individual protection of any sort—as Jackson was so signally to demonstrate at New Orleans, if such demonstration were needed after Bunker's Hill, Fort Moultrie, and King's Mountain.

Unmolested, the main British army of invasion landed off North Point at the mouth of the Patapsco early in the morning of September 12th. They had not marched far, however, before they encountered incompleted breastworks in a position described by Gleig as having been selected with "a considerable degree of science." Feeling that the entire American army must be preparing near by for a decisive conflict Ross ordered a halt before commencing a general attack. The British general, however, did not live to direct it; for, as he rode forward to survey the field, an American rifleman employed his marksmanship to good effect. Ross was mortally wounded almost before the fighting had begun. In fact, with the idea of firing and retiring, Stricker's advance guard of a few hundred men had surprised the enemy by boldly opening an attack upon the entire British force. According to Gleig's account the army was at first almost paralyzed by the loss of its leader; for Ross seems to have had no effective successor. True, the advance was ordered and Stricker's militia were driven back by overwhelming forces, but this had been expected by the Americans, although the panic of the Fifty-first Regiment ruined an excellent plan for the more extended "general engagement" for which Stricker had prepared before he was to retire to the main defenses. This general engagement began in the afternoon; and according to the American commander's account lasted "till about 15 minutes before 4 o'clock," when, finding that his line, at that time only fourteen hundred strong, was not sufficient to withstand the superior numbers of the enemy, the intended retirement was ordered earlier than had been expected.

Besides the loss of their commanding officer, the British casualties of several hundred men far exceeded the losses of the Americans, to whom the encounter, with its subsequent successful retreat, was encouraging rather than otherwise. Throughout the following day the British toiled forward, hampered by rain and heat, while everywhere the Americans had impeded their progress by felling trees. Then, when the enemy threatened enveloping movements toward the North and West, they

found Generals Smith and Stricker alert and ready to meet them. Finally, in the afternoon they came in full view of the formidable fortifications on Hampstead Hill. At this point Ross's successor, Colonel Arthur Brooke, may well have brought to mind the stories of the effectiveness of the American riflemen firing from prepared positions where bayonets could be brought into play only after receiving a worse than decimating storm of lead. The day before observer Gleig, whilst proudly reporting Wellington's veterans as having "moved on in a cool and orderly manner," described also with an evident sense of fear and foreboding the "dreadful discharge of grape and cannister shot, of old locks, pieces of broken muskets, and everything" which the Americans "could cram into their guns." This species of fire, to the British regulars, was as unusual and altogether perturbing as shell fire and advancing bayonets were to the American militia. So, in closing the story of the British advance by land, one may not do better than quote directly from their own observer (*op. cit.*), when he first envisaged the Maryland entrenchments at Hampstead Hill.

> Their general [he wrote] had there entrenched them in the most formidable manner, having covered the whole face of the heights with breastworks, thrown back his left so as to rest it upon a strong fort, erected for the protection of the river, and constructed a chain of field redoubts which covered his right and commanded the entire ascent. Along the line of the hill were likewise *flêches* and other projecting works, from which a cross fire might be kept up; and there were mounted throughout this commanding position no less than one hundred pieces of cannon.
>
> It would be absurd to suppose that the sight of preparations so warlike did not in some degree damp the ardor of our leader: at least it would have been madness to storm such works without pausing to consider how it might best be attempted. The whole of the country within cannon shot was cleared from wood and laid out in grass and cornfields; consequently there was no cover to shelter an attacking army from any part of the deadly fire which would be immediately poured upon it. The most prudent plan, therefore, was to wait till dark, and then, assisted by the frigates and bombs which we hoped were by this time ready to coöperate, to try the fortune of a battle.
>
> Having resolved thus to act, Colonel Brooke halted his army and, secured against surprise, by a well-connected line of piquets, the troops were permitted to light fires and to cook their provisions. But though the rain still fell in torrents, no shelter could be obtained, and as even their blankets were no longer at hand with which to form gipsy-tents, this was the reverse of an agreeable bivouac to the whole army.[22]

After Ross's successor in command had finally succeeded in communicating with the fleet he found that nothing had been

achieved either in bombarding the forts or in surprising the defenders in night sorties, and that it could not get near enough to aid in the assault upon Hampstead Hill. Fearing, therefore, disastrous defeat with the possible capture of his entire force Brooke ordered a retreat, which, being begun at 1.30 A. M. of the 14th in darkness and continued rain, was not discovered by the Americans until daylight. Having so great a start the American pursuit was ineffective, and the invaders were soon reembarked aboard their ships. And so ended the attack in this quarter. Had, however, General Ross lived, there seems no doubt that he would have attacked the main line of the American defense near Baltimore; and the ensuing clash must have afforded another illustration of the British style of rather aimless firing, followed by bayonet charges, as against the American use of breastworks and making the rifle shooting sure. Naturally, a result favorable to the American style of combat presupposes sufficient numbers of regulars and militia to be held in line to make the shooting deadly; and it appears that General Smith's preparations were especially based upon giving the untrained contingents an opportunity to taste considerable success before the disciplined red lines and their dreaded bayonets came to close quarters. Furthermore the traditions of the Maryland Line's Revolutionary experience with the bayonet might have inspired their successors to face that form of attack, ordinarily most dreaded by inexperienced troops.

In the meantime several frigates, with bomb vessels and the rocket ship *Erebus,* had proceeded up the Patapsco to anchor off Fort McHenry. On Tuesday morning, the 13th of September, at daylight, the bombardment commenced. The vessels of the enemy proved to be out of range of the guns of the fort, so the fire from the fort was discontinued, to be successfully resumed at intervals to drive off such vessels as attempted a nearer approach.

Fort McHenry was under the immediate command of Lieutenant Colonel George Armistead, of the United States Artillery. His force consisted of one company of United States Artillery, Captain Frederick Evans, and two companies of sea fencibles under Captains N. S. Bunbury and William H. Addison. General Smith also furnished him with Captain Joseph H. Nicholson's volunteer artillery company of Baltimore Fenci-

bles, and the Washington Artillery under Captain John Barry, and the Baltimore Independent Artillerists, Captain Charles Pennington, all of Colonel David Harris's regiment of the Baltimore Artillery. A detachment from Commodore Barney's flotilla, under Lieutenant Redman, also volunteered their services. In addition General Winder furnished Colonel Armistead with about six hundred infantry under the command of Lieutenant Colonel Steuart and Major Lane, consisting of detachments from the Twelfth, Fourteenth, Thirty-sixth, and Thirty-eighth regiments of the United States infantry—the total force in the fort amounting to about one thousand effective men.

In the night several rocket vessels and boats, or barges, with some twelve hundred and fifty men[23] attempted to enter Ferry (Middle) Branch, with the intention of assailing the defenders in the rear. Some of these succeeded in slipping by the Fort McHenry guns; but when the British sent up rockets and shouted over their apparent success they suddenly found they had not counted on Lieutenant Webster's batteries at Fort Babcock on the one side of them, and those under Lieutenant Newcomb in Fort Covington on the other, to say nothing of the Lazaretto battery manned by Lieutenant Frazier's seamen. One barge was promptly sunk, with all on board; and the remainder were compelled to beat a hasty retreat.

This was the beginning of the end of the assault by sea, for finding that the entrance to the harbor was completely closed by a line of boats sunk in the channel and by a heavy iron chain stretched from the Lazaretto to Fort McHenry, the British squadron dropped down toward North Point to rejoin the other vessels. Afterward, Napier remarked sententiously, from the British point of view, that the failure of the expedition "sprung from one simple cause—there were three commanders! It was a council of war, and what council of war ever achieved a great exploit?"[24]

Throughout the twenty-five-hour bombardment of the defenses of Baltimore and within the semicircle of the British squadron there was an involuntary visitor, Francis Scott Key, who, on an American truce boat, had gone to secure the release of a noncombatant friend. When in the early dawn of the 14th the long bombardment ceased and the American flag was seen floating from the battlements of Fort McHenry, Key was

inspired to begin the verses of "The Star-Spangled Banner." Some of the lines were written on the back of a letter while the poet was still on the cartel ship; additional verses were composed in a boat on the way to land; and he wrote the whole in final form that night. The next day the poet showed the verses to Judge Joseph Hopper Nicholson, who had them printed and who also suggested that they be sung to the tune of "Anacreon in Heaven," a popular melody of the day.*

After the unsuccessful attack on Baltimore the operations of the enemy on the Atlantic coast were of no great importance. Part of the squadron remained in the bay for some months, and marauding expeditions were rather frequent. The British seized Tilghman's Island and erected extensive barracks thereon. A number of small sailing vessels were captured and used as tenders to the fleet and for purposes of plunder; moreover, for many months the people of Baltimore were kept in a state of anxiety lest the enemy return for another attack. In October an exchange of prisoners took place, and Colonels Thornton and Wood, together with about eighty British soldiers, who had been wounded at Bladensburg and subsequently removed to Frederick, were returned to the fleet, the major portion of which made preparations to join the invaders of Louisiana. While the treaty of Ghent was signed December 24, 1814, reports of minor depredations of the enemy in the Chesapeake were published as late as February 18, 1815, five days after the official news of the peace reached Washington.

In commenting upon the British invasion of the Chesapeake, in 1814, many historians have struck a minor note, as if the Maryland campaign were of even less moment than the obortive

*Tradition, supported by a statement of Chief Justice Taney, written long after the event, has accorded instant popularity to the song; but this immediate result Mr. Sonneck[25] shows to have been very unlikely, if not impossible. By a curious coincidence, Judge Nicholson's granddaughter was destined some forty-seven years later to be instrumental in having the words of "My Maryland" set to music. The night after the bombardment Key had stayed at an inn near the water front, reported, in Judge Taney's account, as a "nearby hotel." This hostelry must have been the Fountain Inn, replaced in recent years by the Southern Hotel.

Several generations of historians have asserted that "the *Minden*" bore Key on his mission to the British fleet. The *Minden* was described by some as a British vessel, by others as an American "cartel ship" of that name. Recent investigations by James E. Hancock point to the fact that the British ship *Minden* was not in the Chesapeake; that it is unlikely there was an American ship of any description by that name; and that the vessel which bore the poet to what some would call his "pre-destination" was a truce boat known by number only.

American offensive against Canada. This attitude is possibly due to the fact that, in certain easily accessible military pronouncements, the British government appeared to make light of the matter notwithstanding the fact that investigators recognize that official military forecasts often are intentionally deceptive. On the contrary a comprehensive study of the local situation in terms of all three parts of the British campaign points, apparently, to a different deduction; for had the British been successful in capturing Baltimore, the most prolific source of the American sea offensive would have been destroyed; and the Federal government, already confronted with disaffection, nullification, and threats of secession in the Northeastern states, would have received a stunning blow. Again, had Baltimore fallen Washington would scarcely have been tenable for reoccupation by the Federal government, and the Hartford conventionists might not have had any permanent headquarters to which to carry their complaints; so that the proposed secession of New England might easily and naturally have become an accomplished fact, with but little discussion of the processes for carrying it out. The Federal government would have been, for the time at least, helpless, even had it been within the purview of the Administration to use compulsion. Certainly any Jacksonian recourse to force in New England would assuredly have set that section on fire with an ardor of resistance second only to that offered King and Parliament in 1775.*

*For Jackson's ideas of suppression, see p. 447.

CHAPTER X

Growing Pains

The general government should not seek to operate when the States can operate with more advantage to the community.
—Daniel Webster.

In so far as Maryland was concerned the second struggle with Great Britain had reduced the domestic and foreign exports to less than two hundred and fifty thousand dollars. In the first year after peace was declared exports leaped to more than five million dollars; and they continued to increase for several years, or until the increases in the protective tariff began to hamper the shipping interests.

Much attention [says Scharf] had been attracted to Baltimore by her gallant and successful defense; and, upon the ratification of the treaty of peace, her excellent local advantages began to be generally recognized and merchants and men of business flocked to the port to engage in commerce and other branches of industry. Her ships were collected from the ports where they had been scattered and sheltered during the war, while large accessions were made to her tonnage from her numerous privateers and the many prize ships captured from the enemy. Trade with China, Batavia, Bengal, the West Indies and European ports was extensively resumed.[1]

An unusual application of the word "telegraph" was recorded in 1833 as an illustration of the progressive methods of Baltimore merchants.

The Telegraph tower on Federal Hill [wrote Varle] deserves notice on account of its great utility, as thereby prompt information is obtained and communicated of the approach to the port of sea vessels, steamboats, &c. It is obtained in the following manner: a watch being kept on the summit of a similar tower situate 14 miles from this city, on Bodkin Point lying at the mouth of the Patapsco river, the approach of all vessels bearing a registered signal at the distance of near 30 miles below that point, is immediately announced, the signal is repeated at this observatory and transferred thence inside the dome of the Exchange. By this arrangement the merchants are informed of the arrival of their vessels, some of them possibly out of time, when they are 40 miles distant from the harbour. This is an improvement of great importance to the commercial community, and the credit of its establishment is owing to the ingenuity and assiduous attention of *Thomas N. Neilson*, proprietor of the Exchange reading room.[2]

The year after the close of the war, Charles Carnan Ridgely was elected Governor of Maryland and was reëlected for three one-year terms. Soon after his induction into office he suggested that the General Assembly call upon the Federal government to reimburse Maryland for the expense of the war by reason of the Administration's failure to provide adequate protection to the property of Marylanders. The Assembly accordingly authorized the Governor to appoint a special representative to press the Maryland claims. Congressman Robert H. Goldsborough, who was commissioned to perform this task, spent much time endeavoring to obtain a settlement. Though his efforts were not altogether successful the state did receive from the Federal Treasury a part of the amount expended in public defense. During Governor Ridgely's administration, Maryland turned over to the Federal government two forts—McHenry, which had played so important a part in the late conflict, and Washington, on the Potomac.

The administration of Ridgely's successor, Governor Charles Goldsborough (1818–1819), is marked by the repeal of the law which countenanced imprisonment for debt. In fact, the period immediately following the war saw the passage of a series of acts of a humanitarian character. An act was passed in 1820 which exempted bedding and household articles to the amount of fifty dollars in "cases of execution or distress"; and a law was enacted requiring the registering of apprentices who had agreed to serve out their passage. This was to protect immigrants from extortion by those who brought them to America. A special act was passed to provide education for the children of the poor in Kent, Talbot, Cecil, Anne Arundel, and Montgomery counties. Restrictions were put upon lotteries, which had become a mania of the age. Many were the churches built under the lottery system; and such lotteries were, by an act of the General Assembly of 1819, exempted from state taxation. Certain of the ancient blue laws, which had become dead letters, were specifically repealed. These laws dated back to 1723. Scarcely, however, had acts appropriating funds to secure land in Africa for freed negroes and for ameliorating conditions affecting the negro in Maryland passed in the General Assemblies of 1817, 1818, and 1819, when other acts were required which put restraints upon negro gatherings and move-

ments because of the beginnings of that active agitation in the North which, as will subsequently be seen, prevented or hindered general emancipation.

With Goldsborough's last term the Federalist party practically disappeared. In the election for members of the General Assembly, which occurred on the 2d of October, 1815, the Democrats had gained eleven members in the House of Delegates, and the Federalists found it increasingly difficult to control sufficient votes in the Legislature to continue to fill the executive office. A feature which favored them, however, was the law by which Senators were elected for five years, thus requiring a very considerable lapse of time before the people could change the political complexion of the Upper House. By virtue of circumstances, therefore, rather than by the will of the people, the Federal party remained in control of Maryland affairs for some time after it had fallen under the disapprobation of the voters elsewhere in America. Under the existing Constitution the delegates were the representatives of the counties of the state, and not of the people, one man having thereby as much political weight in some of these counties as ten men in others. Twelve Maryland counties were Federalist. These, with a free white population of 131,000, had been paying $68,000 in direct taxes. On the other hand seven Democratic counties, with a free white population of 140,000 paid taxes amounting to $83,000.

These conditions not only crystallized opposition to the prevailing method of allotting representatives in the General Assembly, but created a growing demand that the Governor of Maryland should be elected by popular vote instead of by the General Assembly. The administration of Charles Goldsborough was responsible for the first concerted demand from the Democrats that the state executive be chosen by the people upon their direct vote. Early in Goldsborough's administration a bill was presented in the Legislature to increase the representation of Baltimore in the House of Delegates from two to four members. The Federalists opposed this, and they were likewise opposed to conferring the franchise on the Jews. In the autumn of 1819 the Federalist party was finally overthrown.

Whatever may be said in condemnation of the less worthy characteristics of the Federalist party in Maryland during the closing years of its stewardship, the majority of the rank and

file joined heartily with the Democrats in the prosecution of the "second war for independence." Their New England associates, on the other hand, went down to defeat under a cloud; and, for a time, their very name became a byword and a reproach in the middle states and the South. Worse still, they were discredited among their own people. In a letter to Monroe in January, 1817, Andrew Jackson, the popular hero of the war, had written:

I am free to declare, had I commanded the military department where the Hartford Convention met, if it had been the last act of my life, I should have punished the three principal leaders of that party. I am certain an independent court-martial would have condemned them under the second section of the act establishing rules and regulations for the government of the army of the United States. These kind of men, although called Federalists, are really monarchists, and traitors to the constituted authorities.

In the War of 1812, Roger Brooke Taney had been a Federalist; but he had written, after the war:

The deepest dissatisfaction was felt by the greater number of the prominent Federalists of the State with the conduct of the Eastern Federalists. For while the enemy was in the midst of us assailing our cities, and burning our houses, and plundering our property; and the citizens of the State, without distinction of party, were putting forth their whole strength and blending in its defense, those with whom the Maryland Federalists had been associated as political friends in the Eastern States, and whom they had regarded and treated as the leaders of the party, were holding the Hartford Convention, talking about disunion, conferring with one another in secret conclave; demanding from us, one of the Southern States, a surrender of a portion of the political weight secured to us by the Constitution; making this demand, too, in the hour of our distress, when the enemy was upon us. They were, moreover, using every exertion in their power to destroy the credit and cripple the resources of the general Government, feeble as it then was, and leaving us to defend ourselves as well as we could by our own resources.[3]*

In 1819, after one of the most exciting contests ever held in the state, the Democratic majority in the General Assembly

*On the other hand the criticism of Thomas Kennedy (*op. cit.*) covers the Federalist majority in the General Assembly of 1813, for he wrote some five years later:

"This same branch of the legislature [House of Delegate of 1813] refused their assent to a bill which had passed the senate, allowing the citizens of Baltimore to tax themselves for their own defence, and also refused to coöperate with the Senate in other measures for the defence of the waters of the Chesapeake; in short, their object seemed to be to thwart the measures of the general government, and to render the war and the administration unpopular. And this branch of the legislature not only acted in opposition to the government themselves, but approbated the conduct of such States as had refused to obey the requisitions of the war department.

elected Samuel Sprigg Governor. A bill was thereupon passed in the House of Delegates to alter the Constitution so as to have the executive elected by the people. This measure the Federalists opposed by every means in their power. They asserted that it would be throwing the whole government of the state into the power of Baltimore, which with her population of 62,000 could nominate and elect from among her own citizens, at any time she pleased, any person as Governor. In regard to the urban element the conservative point of view of the Federalist landholding class was expressed by one of their number when he declared that the city contained one-third foreigners

> who entertain strong prejudices in favor of the governments under which they were born. . . . The true contest is now between Baltimore and the counties, between the city and the country; and the question which every voter, when he goes to the polls, ought to put to himself is, shall I vote for the men who, by effecting the changes which they have proposed and design, will place the great agricultural State of Maryland at the feet of the merchants, the bank speculators, the brokers, the lottery office keepers, the foreigners, and the mob of Baltimore? Or shall I give my support to those who will maintain, in opposition to them, the honor, the dignity and independence of the cultivators of the soil?

The bill was defeated in the Senate. In January, Thomas Kell, a delegate from Baltimore, proposed a bill to increase the number of representatives from that city. This also was opposed by the county members and defeated. Thus both of these movements—first, for the election of governors by popular vote; and, second, for giving Baltimore a more proportionate representation in the Legislature—were efforts to bring about a more democratic form of government. Although both measures were defeated, they paved the way for at least a partial victory.

During the first half of the Nineteenth Century, "the Baltimore mob" constituted a real menace to the welfare of the state; so that the weight of the argument against home rule seemed to rest on the side of the counties. Baltimore was, however, not peculiar in that respect; practically all the large American municipalities have, at one time or another, passed through political periods during which the vicious elements chose any party label that seemed most available or convenient to carry out the plans of forensic demagogues controlled by back-room bosses. On the other hand having in earlier times fewer temptations and more men of leisure actuated by a genuine desire

to promote the public welfare, the country districts maintained a moral ascendency over the cities. As long as these rural districts were not organized for political ends under specious pretenses of service or militant morality, dishonest office seekers had little ground upon which to work against candidates who were favorably and intimately known in their respective communities.

During the progress of the Revolution great changes had been wrought in Virginia through the active efforts of Thomas Jefferson to free the land by the overthrow of primogeniture, and to free the soul by the separation of Church and State.[4] Necessarily the echoes of this great struggle were heard in other states. In Maryland the political status of the Anglican Church had gone down as the tide of the Revolution rose. In 1776 Maryland proclaimed its "Declaration of Rights." This declaration secured to the Church all glebes, buildings, and property then in its possession; but it forbade further public assessments by vestries for the support of the ministers. An unusual feature of the Declaration, however, forbade any gift, sale, or devise of property to Church issues, unless by specific consent of the Legislature, provided the land desired exceeded two acres allowed for building an edifice or for a burying ground. Furthermore, no one was to be obliged to attend or maintain a church against his will. In the decade immediately following the Revolutionary War, the Anglican Church resolved itself into an independent body, known as the "Protestant Episcopal Church in the United States." Shortly thereafter the Reverend Thomas John Claggett was elected (1792) the first Bishop of Maryland.

Restoration of Roman Catholics to political right and privileges brought about especial activities among those of that faith in the building of churches and the establishment of schools and colleges. This growth is inseparably connected with the life and work of John Carroll. After long study abroad he returned to America just as the Revolution was about to break out; and the Continental Congress sent him, with Franklin, Chase, and Charles Carroll of Carrollton, in what proved to be a futile endeavor to rally the Canadian Catholics to the cause of the thirteen colonies (*supra*). Although Georgetown College,

which Archbishop Carroll planned, was taken out of Maryland when the District of Columbia was created, this noted university was at least begun on Maryland soil.[5] Under the Federal Constitution, the removal of political disabilities in Maryland was most appropriately recognized in the election of Charles Carroll of Carrollton as one of the first two United States Senators from the former Palatinate of the Calverts.[6]

Until the year 1826 no Jew could hold any office, civil or military, under the state government. This racial and religious exclusion had not, however, been characteristic of the founders of Maryland, as we have seen in the story of the beginnings of the Province. It first developed during the Puritan régime and was revamped, with modifications, after the close of proprietary control. After the Revolution and prior to 1826, there had been many attempts to give equality of suffrage to the Jews, most of whom lived in Baltimore; but all efforts had invariably met with strong opposition, particularly from the country delegates, who, quite over and above the "religious reasons," opposed any measure that would tend to give Baltimore Town more extended participation in state affairs. Subsequently to the American Revolution, or, more definitely, in 1797, Solomon Etting began a thirty-year struggle to amend or abolish the law that required of all office holders a declaration of belief in the Christian religion. This effort was inspired by his father-in-law, Bernard Gratz, lately come down from Philadelphia, where the Gratz family had played a worthy rôle from early colonial times. The "memorial" that was then drawn up petitioned the Assembly to extend to the Jews equal privileges before the law with other citizens. This was followed by a like petition on November 26, 1802, from a "sect of people called Jews" whose grievance was that "they are deprived of holding any office of profit and trust under the constitution and laws of this State." These and like petitions were preferred in 1803 and 1804. At first they were shelved; but, finally, a vote being insisted on, the proposed amendment was defeated by a decisive vote—and no further efforts were made to free the Jews of these civil disabilities until 1816.

In 1818 Thomas Kennedy, of Washington County, took up the problem; and his labors did not cease until the measures he advocated had become incorporated in the laws of Maryland.

In his public addresses Kennedy stated that the first of these later measures on behalf of the Jews had been drawn and offered by William Pinkney. In any event the measure soon became known as the "Jew Bill." As such it was made a distinct issue in state politics, arousing much bitter feeling; for, as intimated above, political leaders were not wanting who stirred up racial and religious prejudices for private advantage.

The debate of the session of 1819–1820 was preserved in notes kept by Kennedy, whose stand in the matter caused his defeat in 1821 and 1823. Kennedy, however, had the able assistance of H. M. Brackenbridge of Baltimore City, John V. L. McMahon, General William H. Winder, and others. In his argument for the extension of civil rights, Kennedy was supported not merely by the letter of the State Declaration of Rights, but by Article VI of the Federal Constitution and the then recently adopted First Amendment. He also had behind him an insistent public opinion which took cognizance both of the importance and influence of certain Jews in Baltimore and of actual hardships on them arising out of their civil disabilities. Thus, in the debates of 1823–1824 a delegate refers to the disability of a young Jew (Benjamin I. Cohen) who, having been elected by his brother officers captain of the Marion Rifle Corps, was unable to qualify as such under his commission received from Governor Stevens because he could not conscientiously take the oath of fidelity as a Christian; and the Company determined to remain without a captain until Cohen's disabilities were removed.[7] The subject was brought before the Assembly at each succeeding session. In 1822 it passed; but before it could become a law it was necessary for it to be approved by a subsequent Legislature; and the Assembly of 1823 failed to confirm the bill. Finally, on the last day of the session of 1824–1825 the bill was duly ratified.

The people of Maryland, or their chosen representatives, from the period of the American Revolution, had evinced a disposition to lend aid to every undertaking which aimed to encourage and promote the internal resources of the state. This spirit of modern development rapidly spread over the entire Union; and President Monroe, in his message to Congress in 1824, directed attention to the improvement of internal re-

sources as a matter of national concern. At this period interstate roads and canals were the engrossing subject of discussion. State legislatures and the Federal Congress were flooded with projects for development and improvement. In Congress the Cumberland Road and the Chesapeake and Ohio Canal were among the principal objects discussed; but the general design embraced regular systems of communication, principally from east to west. John C. Calhoun argued the expansion case for Baltimore and Maryland when he said in Congress in 1817:

> What can add more to the wealth, strength, and political prosperity of our country than cheapness of intercourse? It gives to the interior the advantages of the seaboard. It makes the country price, whether in the sale of raw products or in the purchase of the article to be consumed, come near to the price of the commercial town, and it benefits the seaboard by enlarging the sphere of demand. Were the pecuniary gains of the farmer or the merchant the only consideration, it might well be doubted whether a system of good roads and canals should not be left to individual enterprise. But there are far higher motives. The strength and political prosperity of the republic are concerned in it.

The industrial leaders of Maryland determined to avail themselves of their natural geographical position to secure possession of a fair share of the internal trade of the country; and the statements issued under the auspices of business interests of the first half of the Nineteenth Century offer a striking analogy to the reports of modern chambers of commerce when broaching special plans for the development of communities and states. In the matter of internal improvements looking to the expansion of inland trade the three projects that especially concerned the people of Maryland were the Cumberland road, the Chesapeake and Ohio canal, and the Baltimore and Ohio railroad.[8]

The Cumberland road westward to Ohio was so named because Cumberland was designated as the starting point for work done by the Federal government to link the East with the newly settled lands west of the Ohio River. The road became known also as the "Union pike" and the "National road." From the Maryland standpoint it connected directly with the road from Baltimore running through Ellicott's Mills, Frederick, and Hagerstown. In a speech before Congress, January 27, 1829, Andrew Stewart declared that Albert Gallatin was the first man to propose the road. Certainly Gallatin, as one of

the pioneer spirits of the frontier to take high position under the Federal government, was a logical proponent of the idea, and he appears to have suggested this plan as early as 1786, while James Rumsey was industriously working on his steamboat models—also with a view to developing better methods for carrying on trade and commerce. President Jefferson scrupulously refused to act until the states immediately concerned in the route taken—Virginia, Maryland, and Pennsylvania—had formally consented to the course selected. Much time had already been spent on surveys when Pennsylvania consented in 1807; and still more was spent in this manner, until the first contracts were awarded and work was actually begun in 1811.

Federal support of the Cumberland road project was an important factor in holding the independent spirit of the Western country in touch with the Union. To-day it is difficult to realize how fragile was the tie that bound the West with the East; already there had been instances of independence west of the mountains in the declarations of the Watauga Association and the State of Franklin. Jefferson won the loyalty of the West by the purchase of the Mississippi Valley; while Jefferson and Gallatin are largely responsible for constructing the first Federal link between the East and the great domain across the Alleghanies, with its distant objective in St. Louis, then an outpost in the region acquired from France. Especially had Jefferson recognized the vital interest of Maryland in connecting the national road with the roads begun by Charles Carroll and the Ellicott brothers, when he appointed Thomas Moore and Eli Williams as two of the first three Cumberland road commissioners, the third being Joseph Kerr, of Ohio. Out of the bank troubles of the early 'thirties came a proposal by the state that the price of charter extension would be a turnpike toll road to Cumberland. This was accepted by the banks; and until the Baltimore and Ohio Railroad crossed the mountains in 1852, the Cumberland highway was the regular route for the picturesque caravans of Conestoga wagons that traveled westward through Maryland, Virginia, and Pennsylvania.

Much money and effort through many years had been vainly spent upon the original plan to make the Potomac navigable. When it was at last determined that the project was not feasible

the Board of Public Works of Virginia, pursuant to a resolution of the legislature of that state adopted early in 1820, appointed Thomas Moore their chief engineer,

> to examine the waters of the Potomac, above the upper line of the District of Columbia, and to explore the country between the Potomac and the Ohio on the one side, and the Potomac and Rappahannock on the other, with a view to ascertain and report upon the practicability of effecting a communication by canal between the three rivers.

Soon afterward, a specially appointed commission from Virginia and Maryland entered a report that the old Potomac Company had failed to comply with its charter; that having expended its capital stock and the tolls received, the Company had incurred a heavy debt which it was unable to discharge; that it would be inexpedient to give further aid to the Company; and that the only thing to be done was to cancel its charter and adopt some more effectual mode of rendering the river useful. After reviewing the different kinds of improved inland navigation, the commission expressed the opinion that the proposed canal would make Cumberland a center for the Western trade; and that it would also insure to the citizens of Baltimore, with their capital and enterprise, the larger share of the advantages that would result from it. But the people of Baltimore were not convinced as to the advantages accruing to that city in having the Eastern terminal of the canal at Georgetown, as proposed. In fact, the majority of the Baltimore merchants were persuaded that the canal would detract from rather than add to the prosperity of the chief city of Maryland. The county members of the General Assembly had shown a majority willing to support the project as conceived by its promoters; but the strenuous objections of the city helped to defeat the bill to incorporate, in place of the old Potomac Company, a new joint stock company entitled the Potomac Canal Company, of which the capital stock should be $1,500,000, subscribed equally by Maryland, Virginia, and the District of Columbia.

It should be borne in mind that by the advantage of her position, as well as by reason of the exceptional enterprise of her citizens, the rapidly growing city of Baltimore enjoyed by far the greater part of the trade of the bay in addition to the trade with the prosperous counties of Frederick and Washington on

the west, and those counties of Maryland and Pennsylvania along the course of the Susquehanna. Rival meetings advancing rival plans for trade with the West were promoted. The advocates of the Potomac-Ohio Canal held meetings in Virginia, Maryland, and the District, formed committees, and called a convention in Washington. Their programme was constantly expanding, and the rosy prospect of extending the proposed canal to Lake Erie was held up before the eyes of the delegates.

Because, however, the bill submitted to the General Assembly by the canal commission failed to provide explicitly for the connection of the Chesapeake and Ohio Canal with the city of Baltimore; and because of the opposition made by the Baltimore merchants, the Maryland Assembly refused to sanction the project. Later, the charter passed the Virginia Legislature, but only after it had been amended, at the instance of the friends of the measure, so as to remove the principal objections raised by Baltimore, whereupon the Maryland Legislature approved the project. The Act was ratified by Congress in March, 1825, and on the 9th of February, 1826, by the State of Pennsylvania. The old Potomac Company accepted the terms proposed to them by Virginia, Maryland, and the District of Columbia, and surrendered its charters to the Chesapeake and Ohio Canal Company. By the amended charter the new company was authorized to construct a navigable canal of not less than forty feet at the surface, twenty-eight feet at the bottom, and not less than four feet deep, from the tide water of the Potomac, in the District of Columbia, to Cumberland, or the mouth of Savage Creek, and thence across the Alleghany Mountains to some convenient point of navigation on the waters of the Ohio or its tributary streams. On July 4, 1828, the enterprise was formally commenced by John Quincy Adams, President of the United States, who dug the first spadeful of earth from the site marked out for the channel of the canal.

In 1827 William Howard, of the United States Engineer Corps, reported that an extension of the Chesapeake and Ohio Canal from the Potomac, north of Georgetown, to Baltimore was "absolutely impracticable." By this time—after the state had become involved in the building of the canal—it was beginning to dawn upon the people that the waterway was going to cost a great deal more than had been anticipated. Never-

theless, while these trade conventions or conferences did not secure an extension of the Potomac Canal from Washington to Baltimore or a great waterway along the Susquehanna, there did come out of these discussions an achievement vastly more significant, not only for the commerce of Maryland, but for the development of the entire United States. This was the construction of the Baltimore and Ohio Railroad, the first successful railroad in America and the pioneer in creating that network of rails which eventually stretched through many states until they reached from coast to coast in their passage through thousands of miles of territory yet to be acquired.

The business men of Baltimore had been gathering a great deal of valuable data on transportation systems; and as canal and steamboat transportation was setting New York and Pennsylvania wild, the more far-sighted citizens of Baltimore were attacted by the possibilities of lines of rails upon which heavy loads of freight could be transported with a minimum of difficulty. Accordingly a meeting, destined to write a new chapter in commercial enterprise, was called in Baltimore on February 12, 1827, "to take into consideration the best means of restoring to the City of Baltimore that portion of the Western trade which had lately been diverted from it." After a frank and full discussion of the situation, a committee, composed of George Brown, Benjamin C. Howard, Talbot Jones, John V. L. McMahon, Joseph W. Patterson, Evan Thomas, and Philip E. Thomas, was appointed to take the subject under advisement. In a few days the Committee recommended "that measures be taken to construct a double railroad between the city of Baltimore and some suitable point on the Ohio River, by the most eligible and direct route," and that a company should be incorporated for the purpose.

Possibly no project fraught with such momentous consequences for the development of transportation facilities was ever accepted by the public with such enthusiasm and carried through both business and political channels with such alacrity. As above stated, the preliminary convention to consider ways and means had been held on February 12th; the Committee of Investigation had reported a few days later; then another convention was held, and a committee composed of leading citizens, headed

by the venerable Charles Carroll, of Carrollton, petitioned the General Assembly. The charter, the first of its kind in America, which had been drawn up by John V. L. McMahon, was granted on February 28th of the same month. Virginia gave approval on the 8th of March; and, finally, on the 22d of February, 1828, the State of Pennsylvania passed favorably upon the plan.

On April 23, 1827, the Company was organized by the election of a board of directors. Philip E. Thomas was chosen president and George Brown, treasurer. The location of the road having been decided upon and the point of entrance into the city fixed, the spot was marked with a stone laid by Charles Carroll of Carrollton, on the 4th of July, 1828, with special civic and military ceremonies. It will be noted that the date selected was the identical day chosen for turning over the sod in the inauguration of the Chesapeake and Potomac Canal Company, (*supra,* p. 380). The ceremonies of the rival transportation companies were not dissimilar; and neither group officially referred to the enterprise or even the existence of the other. The question must have arisen in the minds of many as to whether Charles Carroll at Baltimore or John Quincy Adams at Georgetown was to represent the more successful project. Carroll, at fourscore years and ten, forecast the future when he declared, in breaking ground at the inaugural ceremonies:

> I consider this among the most important acts of my life, second only to that of signing the Declaration of Independence.

During the autumn of 1829 the Company began laying rails upon the division within the limits of Baltimore; and, on May 24, 1830, the first division of the road to Ellicott's Mills was opened for the transportation of passengers—which, as in the case of freight, was first effected by horse power. Subsequently this line of track was the road upon which the first steam engine built in the United States was propelled. In the large car house at Mount Clare, Baltimore, Peter Cooper had assembled an engine the parts of which had been shipped from New York, and here, in the presence of a few bystanders, steam was first raised. This success led Cooper to attempt the trip to Ellicott's Mills. Accordingly, on August 28, 1830, an open car, having on board directors of the road and others, was attached to his engine. The curves were passed without difficulty at a speed of

fifteen miles an hour, and the grades were ascended with comparative ease. The return from the Mills—approximately a distance of thirteen miles—was made in fifty-seven minutes.

There are sundry phases of the evolution of the Baltimore and Ohio Railroad that have far more than local interest. The charter was the first such document that defined and authorized procedure of a road to completion; and under that charter the railroad continues to operate. It is also worth noting that the formal opening of the Baltimore and Ohio preceded that of the earlier Liverpool and Manchester Railway. The formal announcement that the fare to Ellicott's Mills was twenty-five cents and that "brigades of cars" would run each way three times daily was first made May 22, 1830. A similar announcement on the part of the Liverpool and Manchester Railway was made September 15, 1830. The track was completed to Frederick by December 1st of the following year, and to Harper's Ferry by December 1, 1834. The road to Washington was initiated in 1833 by the award of the contract for the viaduct over the great gorge of the Patapsco at the Relay House. This, also, is a landmark of American construction. Although it was built to bear twenty-ton trains—the utmost dreamed of at that time—the same granite bridge bears with equal safety, almost a century later, trains of twenty hundred tons, with locomotives more than twenty times as heavy as those which crossed the viaduct when it was built. It was the first stone bridge to be built on a curve in America.*

It was inevitable that a conflict should arise between the

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*The following from the "View of Baltimore," by Charles Varle, is of interest as indicating that the *Herald,* the chief locomotive of the Susquehanna Railroad (Northern Central), made a stronger impression upon the (1833) visitor than the iron horses of the pioneer Baltimore and Ohio. Perhaps the Englishman was partial to the imported engine, for the B. and O. insisted on domestic stock. The *Herald,* it may be noted, was in service for twenty-five years, when it appears it was, in modern parlance, "traded in for a new machine" (1859). Under the heading of "Time of Departure of the Rail Road Cars," Mr. Varle published the following early time table: "Passenger cars on the *Baltimore and Ohio Rail Road,* start in summer, every morning at half past 5 o'clock, A. M. from the ticket office at the corner of Charles and Camden streets, for Frederick (60 miles), and the Point of Rocks (71) fare 3 cents per mile, and for Ellicotts' Mills at different times in the day. The mail car starts at 5 o'clock, P. M. When travellers are going farther than Frederick, seats may be taken at the different stage offices, whence passengers are taken to the cars.

"Passenger cars on the *Susquehanna Rail Road,* start from the depot at the head of Holliday street, at 10 A. M. and at 4 P. M. every day for *Green Springs,* and *Owing's Mills,* on the Reistertown turnpike, and for *Timonium,* on the York road.

Chesapeake and Ohio Canal interests and those back of the Baltimore and Ohio Railroad. The administration of Governor James Thomas (1833–1836) was influential in bringing about some degree of peace between these rival interests; and it was during this administration that the first geological survey work in Maryland was commenced; and the map produced at that time restored to many places the original names, which had otherwise been lost or forgotten.

In 1834 the Bank of Maryland, chartered in 1790 and considered a very Gibraltar of finance, closed its doors. On the eve of its failure the stock of this institution was quoted at $500 a share, although its par value was about $300. The collapse of the bank disclosed the fact that its securities had been handled irregularly and apparently in the interest of some of its board of directors. It seems probable, however, that this powerful institution would have survived these irregularities but for the upheaval following upon the trouble between President Jackson and the Bank of the United States. Jackson, taking his reelection in 1832 as a popular verdict against the national bank, ordered the Secretary of the Treasury to deposit the government funds with state banks. When others refused to take this step, the President persuaded Roger Brooke Taney, his attorney general, to take the Treasury portfolio and "obey the mandate of the people." But "the dying monster" fought savagely. On August 1, 1833, its president, Nicholas Biddle, ordered the twenty-six branch banks of the Federal system to call in loans and reduce the bank-note circulation, declaring that this course was rendered necessary because of the loss of government deposits. The story of the result may be briefly told: a sudden contraction of credit brought on a sharp stringency. The Baltimore banks felt the pinch along with the others throughout the country. In the case of the Bank of Maryland, the seeds of failure had been sown by loose management and "internal speculation."[9] For a year and a half, the creditors waited patiently for an accounting. Partly because factions among the former directors were continually airing their differences in attacks and

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Passengers for Westminster, Chambersburg, Bedford, &c. meet a stage at Owing's Mills, that carries them on. The cars on this road are drawn by a beautiful and very efficient imported locomotive steam engine, which affords a very pleasant and delightful mode of travelling."

counter attacks a mob took matters into their own hands. Beginning August 6, 1835, there were several days of rioting in Baltimore—rioting that was accentuated by the indiscretions and evasive conduct of Mayor Jesse Hunt, who was afterward compelled by public opinion to resign his office. The houses of those held responsible for the bank's mismanagement were broken into, their furnishings destroyed, and even the walls partially razed. This incident prompted Governor Thomas to take measures toward "having a reliable State militia" established. The principal losses were sustained by Reverdy Johnson, John Glenn, and John B. Morris, who were subsequently reimbursed by the state through a special act of the General Assembly.*

The administration of President Van Buren was marked by a financial panic which followed upon the heels of an era of expansion and speculation. After the closing of the Bank of the United States, government funds were deposited in state banks, which began to multiply greatly, practically without regulation. The government loaned out its surplus funds to these banks, while they in turn loaned them on all kinds of speculative projects, many of which were unsound. Ultimately, when the government demanded from its state depositories payment in specie, instead of notes, the banks were unable to comply.[10] In view of these developments it appears that President Madison's veto of the "bonus bill" providing for a vast system of Federal aid in financing internal improvements had been justified on sound economic grounds. If the states, then in a fever of development and speculation, had taken heed, a number of the evils that later befell the country might have been avoided. In Maryland the enthusiasm that attended leadership in building the first railroad, and the apparent initial successes of sundry other enterprises, led to an orgy of extravagance in state-sanctioned or state-aided enterprises. By way of illustration, the General Assembly of 1835 passed a measure which became known as "the eight-million bill." This act authorized subscriptions to the capital stock of the following companies: Chesapeake and Ohio Canal Company, $3,000,000; Baltimore and Ohio Railroad

*The Assembly also enacted a law under which indemnity was to be provided for through the courts for injuries sustained from mobs or riots in cities, towns, or counties.

Company, $3,000,000; Eastern Shore Railroad Company, $1,000,000; the Maryland Canal Company, $500,000; Annapolis Canal Company, $500,000.* It was argued or taken for granted that the revenues to be derived from these enterprises would pay for themselves by enriching the state; at least, so the public was told by expansionists, political or commercial, who were urged onward to new outlays by an army of contractors. Those who foresaw possible trouble were brushed aside as obstructionists.

Although, in 1837, there was widespread suspension among the banks of the country, the Maryland Assembly passed a law to the effect that all creditors should be paid in gold or silver or an equivalent. Shortly afterward, however, the state became embarrassed in respect to its obligations for internal improvements and was, temporarily, compelled to forego payment of interest. In this connection it is of importance to note that Maryland had almost wholly escaped the levying of direct taxation. Prior to 1841 the highest collection by direct taxation for any one year was $60,818. Suddenly ten times that amount was needed. Not unnaturally the Maryland legislators were afraid of facing the situation, and many impracticable schemes were proposed. Some were in favor of repudiation rather than the passage of legislation suddenly imposing such extraordinary taxation as appeared necessary under the circumstances; but Governor William Grason (1839–1841) declared that the debt had been "contracted, and confirmed by successive legislatures sanctioned by the people themselves, in the continual reëlection of representatives who were most prominent in creating it."

Thomas George Pratt, in his campaign for Governor in 1844, likewise demanded that the state should pay its debt. By the time of his election, however, business had improved and the nation-wide effects of the panic had begun to disappear. In his first message to the Legislature he asserted:

> From an abundant harvest now at hand this is the time to pay our debts.[11]

The overthrow of the Congressional caucus system of selecting Presidential candidates served to make Baltimore the gath-

*Sparsely settled Illinois was bonding itself for roads and canals to the amount of $14,000,000. For an extended account of this form of speculative fever, see Morse's *Abraham Lincoln*, Vol. I, p. 53 *et seq.*

ering place for great political conventions, which ultimately became the feature of each Presidential campaign. The political battle that opened in 1828 was the bitterest that had yet been fought, and the personal characters of the candidates were fiercely assailed. In the electoral college the vote of Maryland was again almost evenly divided. Roger Brooke Taney had left the Federalist party, subsequently to his sharp denunciation of the attitude of the New England Federalists in the War of 1812. He had been for some time favorably known to Jackson. For that reason, when a part of Jackson's Cabinet resigned, the Executive asked Taney, who was then Attorney General of Maryland, to accept the attorney generalship of the United States. In the meantime, the political leaning of Maryland had shifted from one faction to the other. In 1829 the "Jackson men" had gained control of the state and elected their candidate for Governor, Thomas King Carroll. In 1830 the pendulum swung sharply the other way, and the Adams-Clay faction were successful in the reëlection of Daniel Martin.

Governor Martin was a determined enemy of the "spoils system," which, while not instituted by Jackson, as sometimes asserted, was tremendously promoted by that vigorous old soldier, who honestly believed that his personal friends and supporters were the true friends of the Republic; and, on the contrary, that his opponents were its enemies. Unfortunately Jackson's implicit faith in his followers made him the victim of designing and selfish politicians. Furthermore, Governor Martin represented an interesting revival of Jeffersonian advocacy of simplicity in the administration of the government, and, with sharp foresight, he declared that as soon as the parties should become thoroughly possessed by the notion that offices were rewards for political workers, there would follow a desire to increase the number of public officials.

At the close of Governor James Thomas's administration, in 1835, the Whigs in the General Assembly named Thomas Ward Veazey as candidate for Governor. Of the seventy-six ballots cast, the Cecil Countian received fifty-three votes, the remaining twenty-three tickets being blanks. During his administration, on the 6th of June, 1836, the so-called reform convention met in

Baltimore and discussed the necessity of changing the State Constitution. At the risk of a certain amount of repetition, it should be stated, in this connection, that by the then existent Maryland Constitution the House of Delegates was composed of four members from each county and two each from the cities of Annapolis and Baltimore. The Senate, composed of fifteen members, was chosen for a term of five years by a body of electors of two from each county, while Baltimore City was permitted to name only one member, and a like privilege was granted to Annapolis. The Governor and Council were elected by the two Houses on joint ballot. By this system it will be seen that the smaller and less populous counties had as much political weight in the legislature as the larger; the counties of Kent and Calvert with a population of 19,401 were at this time allowed as many representatives in the senatorial electoral college and the House of Delegates as the counties of Frederick and Washington with a population of 71,056; and Kent and Calvert each had double the number of delegates allowed to the city of Baltimore, with a population of 80,625. The executive department was the creature of the Legislature, being elected thereby, and most of the civil officers received their appointment from the executive; so that a minority of one fourth of the people, having the right to elect a majority of the members of the Legislature, controlled all the departments of the government. During the half century and more since the adoption of the Constitution of 1776 the western counties had greatly developed in wealth and population; and yet they had no more representation than when they were sparsely settled at the time of the Revolution. To those who sought reform the method of electing the Senate was particularly objectionable. Petitions and memorials, presented year after year to the Legislature, praying for redress, were consistently rejected.[12]

On the 6th of June, 1836, the Reform Convention, composed of delegates from Cecil, Harford, Baltimore, Frederick, Montgomery, and Washington counties, with Baltimore City, was held in Baltimore, with a view to agreement upon such measures as would insure the accomplishment of the desired results. Among the resolutions passed was one recommending to the friends of the proposed amendment that they unite in

electing delegates pledged to introduce and support a bill to provide for taking the sense of the people on the question of such reform. In 1836, the vote for members of the Senate electors resulted in the choice of twenty-one Whigs and nineteen Democrats. The former represented 85,179 constituents, while the latter represented 205,922. It was apparent, therefore, that the representatives of a little more than one third of the people had a majority in the electoral college that chose the State Senate. The Whigs, however, lacked sufficient votes to constitute a quorum; and Frederick County had instructed its Democratic electors that unless they could persuade the Whig members to name, out of the fifteen men for State Senators, at least eight who were favorable to constitutional reform, they should refuse to go into session; provided they could get the other Democratic members to act with them. The Whigs refused to concede this demand; and, in consequence, the Democrats returned to their homes, believing that they had prevented the organization of the General Assembly. At this point, however, Governor Veazey announced that, since the electoral college had failed to choose a new Senate, the old membership constituted the Senate of Maryland. He also instructed the former Senators to assemble at Annapolis in the discharge of their duties until they should be superseded by duly elected successors.

The Frederick Democrats now realized that the Whig Governor had outpointed them; consequently, the bolters hastened to return to Annapolis. After the Fall election, which had been favorable to the Whigs, Governor Veazey, conservative though he was, suggested to the Legislature that the Constitution be liberalized. Furthermore, Governor Veazey was triumphantly reëlected, his name being the only one presented.

The Convention made arrangements to resume its sessions at Annapolis in January, 1837, but in so far as the attainment of its objects was concerned no further meetings were necessary. When the General Assembly convened, that body began work immediately on the plans for reform. First, the act for the previous session giving Baltimore two additional representatives was confirmed; and in March, 1837, an act was passed which effected many of the changes desired: The people were given the power of electing the governor—whose term of office was fixed at three years; and the state was divided into three guber-

natorial districts, from each of which, in turn, governors were to be elected. The council was abolished and the Senate was reorganized; one member was assigned to each county and one to the city of Baltimore, to be elected by the people. The first senatorial election was to be held in October of the following year; and that there might be a periodical change in that body, the Senators first elected were to be divided into classes, by lot, who were to serve two, four, and six years. Upon the expiration of the terms of the different classes, their places were to be supplied by new elections, in their respective counties, and the term of their successors was fixed at six years. In the House representation by counties was continued, but on a population basis; and after the year 1840 the city of Annapolis was no longer to have a separate representation in the House but was to be considered as part of Anne Arundel County.[18]

In the spring of 1838 the Democrats nominated William Grason of Queen Anne County for governor; while the Whigs named John Nevitt Steele of Dorchester County, thus making both the first gubernatorial candidates representatives of the Eastern Shore district. Grason was elected by a scant majority of 311 votes in the entire state; and during the first year of his term of office he faced a small Whig majority in the Assembly.

The Democratic National Convention was held at Baltimore the 5th of May, 1840. On the 6th of May Martin Van Buren was nominated for President. The Whig Convention had met at Harrisburg, Pennsylvania, on the 4th of December, 1839, and nominated General William H. Harrison. For the first time the Abolitionists or "free soilers" brought into the field a candidate in James G. Birney, a native of Alabama. The Presidential campaign of 1840 was, on the part of the Harrison supporters, made into a second Jacksonian appeal to the masses. "Tippecanoe and Tyler too" was a catchy refrain, and the campaign banners bore log cabin devices. In the number of their mass meetings, barbecues, and cider parties, the Whigs exceeded the best efforts of the Jackson campaigners of the preceding decade. The Whig candidates carried the state by a comfortable majority, although Baltimore returned a small majority for Van Buren.

In the state election for Governor in the fall of 1841 the

Democrats elected their candidate, Francis Thomas, of Frederick County. The Democrats also secured the House of Delegates by a majority of six members. Governor Thomas's career, both in public and in private life, was decidedly colorful. In the first place Thomas had achieved notoriety—or distinction, according to the point of view—as the leader of the Frederick County Democrats, who had been outgeneraled by Governor Veazey. He came into office on the heels of financial depression and, to his credit, took the unpopular course of insisting upon payment of the state's obligations. In 1861 Thomas became a Republican and was elected to Congress, but turned against Andrew Johnson. On the personal side of his career, two things stand out—a duel with a political opponent; and his love affair with a girl of fifteen when he was a Representative in Congress. The subsequent marriage was an unhappy one, and in clearing himself of blame he adopted the unusual course of laying before the public intimate details of his courtship and domestic troubles.

In 1844 Baltimore again secured a monopoly on the political conventions of the Presidential election year. The Whig National Convention assembled at Baltimore on the 1st of May where gathered the Democratic National Convention on the 27th. The proposed annexation of Texas became a leading issue in the campaign. Another Convention, composed of delegates from various parts of the Union—without restriction as to number from any state or district—assembled at Baltimore the same day on which the Democratic Convention met. John Tyler was unanimously nominated as a candidate for election to the Presidency and accepted the nomination; but his chances of election proving hopeless he yielded in favor of James Polk, the nominee of the Democrats, and withdrew from the contest. The campaign resulted in the election of Polk and Dallas, thus preparing the way for the annexation of the Lone Star State. Maryland again displayed her Whig proclivities by giving her electoral vote to Henry Clay, while the country at large went Democratic.

In 1844, Thomas George Pratt was the strongest candidate whom the Whigs could find in the third gubernatorial district, and the Convention placed his name at the head of its state ticket; while the Democrats named James Carroll, of Balti-

more. The result of the election in Baltimore occasioned general surprise, as the Democrats reversed the previous Whig majority and carried the city by more than twelve hundred votes. The Whig majority in the counties, however, more than offset the vote of the city and Pratt was declared elected. Governor Pratt's great service to his state in the matter of reëstablishing its credit has been reviewed in preceding pages.

During Governor Pratt's administration war with Mexico was declared. Although, subsequently to Santa Ana's disastrous defeat in 1836, Mexico had not attempted to regain control of Texas, she had not formally yielded her claims to that region. She, therefore, declared annexation an unfriendly act by the United States government. Diplomatic intercourse between the United States and Mexico was cut short by Mexico, and preparations were made for a possible armed conflict, which, however, might have been averted had not Texas, basing her demands on the agreement made by Santa Ana, declared that her boundaries extended beyond the Nueces River to the Rio Grande. In protecting the claims of Texas to this territory, United States troops were suddenly attacked. This took place on April 25, 1846. Thereupon, it was declared that war had been begun by the act of Mexico. The President called for two regiments of infantry as the quota for Maryland; and in response Governor Pratt, on May 21, 1846, issued a proclamation that the required number of volunteers "be immediately filled and mustered into the service of the United States." The response was prompt, particularly in comparison with the Northeastern states, where the war was as unpopular as that with Great Britain in 1812–1814. In that section nullification sentiment was again expressed; and the Legislature of Massachusetts passed resolutions that strongly suggested impending dissolution of the Union. Mexico was referred to as a "sister republic," while Texas, then a member of the Union, was called a "foreign state."*

In Maryland Whigs united with Democrats and more men

*The cause of the war with Mexico has been curiously misrepresented by a number of American historians, and particularly by the textbook writers.[14] An interesting reference to the attitude of Massachusetts is found in a letter addressed by John C. LeGrand to the Hon. Reverdy Johnson, dated Baltimore, January 11, 1861. LeGrand had been aroused by a comparison made by the Hon. Reverdy Johnson between Massachusetts and South Carolina, which was decidedly unfavorable to the latter. Mr. LeGrand wrote: "You, sir, are old enough to recollect that, during the last war with Great Britain she refused to allow her

volunteered than could be equipped. In fact, recruiting was soon discontinued in Baltimore; for that city alone seemed prepared to furnish the entire quota for the state. A detailed recital of the deeds of the Marylanders in the Mexican War would involve extended accounts of both campaigns—that conducted by General Taylor in northern Mexico and that carried on by General Scott in his remarkable march from Vera Cruz to Mexico City. The Battalion of Baltimore and Washington Volunteers, composed of four companies recruited in Baltimore and two from Washington, embarked on the transport *Massachusetts* on the 13th of June, 1846. They soon joined General Taylor and were brigaded under the command of Lieutenant Colonel Henry Wilson of the United States Army. In the attack upon Monterey the Baltimore battalion was led by Lieutenant Colonel William H. Watson, who was killed. After a severe contest lasting three days, on the 25th of September the Mexican ensign was hauled down. After achieving further successes under the command of General Taylor the Baltimore battalion was transferred to the command of General Winfield Scott, where it was associated with other Maryland companies. In September, 1847, the Marylanders took an active part in the capture of the National Bridge, considered one of the strongest passes in Mexico, from which numerous attacking parties had long harassed the advance of the American army.

Before taking up the discussion of the political problems that antedated sectional strife it is fitting to pause for a review of underlying economic conditions—conditions which, however contrary it may be to popular belief, had far more to do with originating armed conflict than the social or "moral" problem arising out of free and slave labor. King Coal and King Cotton had been at grips for decades in the persisting clash of opposing interests. Whichever side first won over the West was destined to win the struggle, and certain of the middle states, divided in

troops to go beyond her own territorial limits, and that in her bosom was hatched the treasonable project (treasonable because during war), of separating the New England States from the rest of the confederacy and re-uniting them with old England. Moreover, that on the occasion of the annexation of that Texas which she is now so anxious to compel by force to remain in the Union, by her Legislature declared such annexation *ipso facto* dissolved the Union, and that Massachusetts was from that day out of the Union."

sympathies and striving for reconciliation, were destined to be the stamping ground of the contending hosts.

The American people had evolved the most adaptable inventive genius, man for man, that the world had ever known—an adaptability that was, in the beginning, quickened by sheer necessity and then matured in democratic independence, self-reliance, and self-government. But largely because of this individual independence, the modern industrial revolution, already well under way in the mother country, was late in starting in America. When, after the second war with Great Britain, the factory system, with its imported labor and extensive tenements, did begin to invade America, it spread over the Eastern (Northern) states with amazing rapidity. Between 1820 and 1830, manufactures increased sixfold; and those who built up this new system quickly and naturally developed—almost unconsciously—two influences having a peculiar tendency to promote sectional disputes, coupled, as they were, with political bargaining. The first of these was the demand for protective tariffs at the hands of the Federal government, regardless of the wishes of the agricultural sections; and the second was absentee landlordism or its equivalent in the cutting off of personal contact between employer and employed. Uncontrolled, as it was at first, this departure from old customs led to conditions that bore harder upon the white laborers in the North than plantation life did upon the negro slaves of the South—except in the most unusual instances. The farmer's labor day "from sunrise to sunset" was carried into the factory. While life on the farm had been hard it was at least in the open air. In the unscientifically constructed factories of that time it became an incredibly vicious thing, accompanied with imperfect ventilation, deficient light, and wretched food. From a dreary grind of from fourteen to sixteen hours by day the workers returned to congestion, squalor, and discomfort at night in unsightly and ill-built tenements. By way of a single illustration, in 1831 one factory in Rhode Island rang its first summons ten minutes before sunrise. Fifteen minutes later the gates were locked against tardy workers, not to open again until after dark. Twenty-five minutes were allowed for a breakfast; and there was a like knock-off for a cold lunch or dinner. Furthermore, a large percentage

of the operatives in these factories, despite the fourteen, fifteen, or sixteen-hour day, were women and children.*

Conditions such as these applied to factories throughout New England, New York, and Pennsylvania. In the South there was very little factory life; although it was not inconsiderable in Baltimore, where the harshness of conditions under the new development of spindle, mule, and engine did not, however, approach that of the industrial cities, towns, and cotton-mill villages of New England. With respect to this period, a large class of reformers rose in New England, but they devoted their attention almost entirely to slave labor conditions in the South. It was the ancient story of the mote and the beam; and under the smoke screen raised by well-meaning moralists, politicians fostered sectional hatred and strife. It became impossible to make proper distinctions between the conservative reformers and the impractical fanatic or the selfish seeker for office. Ultimately the people of Maryland became the vicarious victims of sectional extremes whose representatives could not talk in the same terms. First one side cried disunion, and then the other took up the refrain; whereas, as one of the greatest of the victims of the fratricidal strife testified: "The great masses of the people, if they had understood the real question, would have avoided it."[15] Maryland is on record as having consistently protested against violence on either side.

The year 1837 had seen the beginnings of the penny newspaper, which appeared in Baltimore shortly after its début in New York City. The founder of the Baltimore penny journal was Mr. Arunah S. Abell; and his coming to Baltimore from New England may be likened to the advent of Franklin in Philadelphia; in fact, Abell was one of a number of Northern men who came South at this time and identified themselves with Southern traditions and points of view. Abell, who was also one of the founders of the Philadelphia *Public Ledger,* soon inaugurated original methods for news gathering. He instituted the

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*Cf. *Documentary History of American Industrial Society.* In urging the development of American manufactures through the inauguration of a protective tariff system, Alexander Hamilton wrote approvingly that in England more than half of the cotton-factory workers were women and children, and that "many" of the children were "of a tender age." These laborers were "free" only in name; in practice they were inarticulate cogs in an industrial machine.

"Pony Express" from the capital city to Baltimore; and ultimately he established a similar system to relay the news of the war with Mexico. For nearly two decades the United States government was, from time to time, dependent upon hearing the news gathered by this Baltimore paper. Ultimately, journals in New York and Philadelphia emulated the news gathering methods of the *Sun,* or else acted in association with it. Large numbers of carrier pigeons were used to supplement the ponies and these may be said to have antedated the air mail services of modern times. But ponies and pigeons were destined to be outstripped by what was then called the "amazing speed of the galvanic fluid propelled through wires"; and it may be said that it was largely due to the appreciation of the new invention of Samuel F. B. Morse by Representative John P. Kennedy and the *Sun* which led to its introduction in the first telegraph line constructed for commercial purposes. After years of effort, Morse was able to secure from Congress a sufficient appropriation for building an experimental line from Washington to Baltimore which was completed May 24, 1844. Possibly the most influential patron of the new method for the transmission of news was, from the beginning, this Baltimore paper; and, on May 11, 1846, the *Sun* astonished its contemporaries and the public by the telegraphic transmission of the complete message of President Polk.

In 1848, both Whigs and Democrats again chose Baltimore as their convention city; but of more importance to Maryland was the agitation for further political and economic reforms. The campaign looking to the creation of a new constitution had been endorsed by Governor Philip Francis Thomas, a native of the Eastern Shore, who, on the Democratic ticket, had been elected Governor in the fall of 1847. Thomas, as vigorously as his predecessor, insisted on pursuing a sound economic policy of taxation sufficient to meet the just obligations of the state and to restore and maintain its credit. His emphatic language in advocating constitutional reform had its effect upon the General Assembly; for a committee reported a reform bill, which passed both houses in February, 1850. This measure provided for a special election on May 8th, "to take the sense of the people" upon the calling of a state convention. It was also provided that

an election be held in September for delegates to the proposed convention; and, in the following year, a referendum upon the new Constitution. The reform party had been successful in keeping partisan politics out of the election; but, unhappily, they were not successful in keeping political bargaining out of the Convention itself. Its sessions began November 4, 1850, with a period of ten days' balloting before the delegates agreed upon John G. Chapman, of Charles County, for permanent chairman.

The sittings of the convention were protracted for six months —or until so short a time before the submission of the document to the people that there was little opportunity to discuss it; consequently, it was long a matter of debate whether the people would have adopted it or have insisted upon another convention and a rewriting of the instrument, which became operative during the administration of Enoch Louis Lowe, Democrat, elected in 1850. Some of the more outstanding provisions may be enumerated as follows: The State was divided into three districts: St. Mary's, Charles, Calvert, Prince George's, the city of Baltimore; the eight Eastern Shore counties; Baltimore, Harford, Frederick, Washington, Allegany, and Carroll counties. The first Governor was to be elected on the first Wednesday of November, 1853, taken from the first district; the next Governor from the second district; and the third Governor from the third district; and so on in rotation, the term to be four years each. Representation in the House was changed so that Baltimore City gained five delegates, while the counties collectively lost seventeen. Baltimore City was separated from Baltimore County. All lotteries were to be abolished after the 1st of April, 1859. The state was divided into four judicial districts and eight judicial circuits; in addition, a judge was to be elected from each of the four judicial districts and these were to constitute a Court of Appeals.

For the next few years long-standing Whig and Democratic contentions were subordinated by the emergence of two new problems which absorbed the attention of the people. Briefly, these issues were the rise of the American or Know-nothing party, and the lawlessness and rioting which was seriously threatening the growth and prosperity of the great commercial center of the state. Because of the important part it played in

Maryland affairs, it is necessary to dwell briefly upon the rise of the American party in the country at large.*

Usually, historians begin their references to the American party by way of recording its first notable victory in the election of its candidate for Mayor of Philadelphia. This was in 1854; but the beginnings of an "American Republican" or "Native American" party were announced in the Baltimore *Clipper* on the 5th of November, 1844. A state convention was held on March 5, 1854, which issued an address "To the Public," in which it was declared that the party was pledged to the prevention of frauds at elections, the correction of other abuses, and to the removal of alien influences, with the restoration of American ideals and ideas. The origin of the party was fundamentally a movement of protest against political conditions in the great centers of population. First of all much of the disorder and turbulence of election campaigns was properly attributed to the saloons and the badly regulated drinking of hard liquors. In 1851 Maine passed a liquor law, which cause widespread discussion throughout the Republic. This early prohibition enactment had its echo in Baltimore, when the "friends of the Maine Liquor Law" elected ten delegates to the General Assembly on a platform that denounced the manufacture, sale, and consumption of intoxicating liquors. The delegates were pledged to urge prohibitory legislation.†

In the cities the element that appeared most involved in the practices of the saloons and in the "herding" of voters was foreign born and largely Roman Catholic; hence, the cleavage began to assume sharp racial and religious aspects. Again, because of the early successes of this reform movement—encouraged as it was by the help of the better class of citizens regardless of birthplace or of creed—the self-seeking demagogue saw an excellent opportunity for political promotion by falling in with the reformers. In respect to election frauds the indictment

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*Baltimore still held the center of the stage for national political gatherings. Here, in 1852, Franklin Pierce, of New Hampshire, was nominated for President by the Democrats in a long-continued session. Congress adjourned its sessions so that the members might attend the Convention. Shortly thereafter the Whig National Convention met in Baltimore and nominated General Winfield Scott.

†On election day, at this time, it had become part of the practice of the political parties to "coop" voters of their own persuasion who were given to inebriation in order to prevent them from falling into the hands of the opposition.

brought forward by the American party was sound enough; no one could successfully deny the evils complained of; but, as it turned out, the ills this party set out to remedy were excelled, in Baltimore, at least, by the subsequent practices of unscrupulous leaders who gained control of the new party. The framers of the Federal Constitution had striven to avoid religious dissensions on political lines; but their labors had been in vain; and the far-sighted Jefferson as early as 1820 forecast disaster when he saw clouds of sectarian and sectional division appear upon the horizon. The Federalists had, in New England particularly, so inflamed the churches against the Jeffersonians that many good people thought the triumph of the Democratic party would mean the proscription of the Church.

In 1854 the American party elected Samuel Hinks Mayor of Baltimore. By 1855 the Know-nothings were sweeping the state; and at the assembling of the Legislature in January, 1856, Governor Ligon took note of the situation in the introduction to his formal address:

> I should fail to discharge a public duty, were I not to allude to a new element in the political controversies of the times, which, in my opinion, has already been productive of baneful consequences, and has done more to sever the ties which should bind together our whole people as one common brotherhood than anything which has occurred since the organization of our government. I mean the formation and encouragement of secret political societies.

After timely references to the underlying purposes of the founders of the Republic, he added:

> The welfare of the Union depends so much upon the united affections and patriotism of the whole people, that any formidable effort "to render alien to each other those who ought to be bound together by fraternal affection," to segregate and divide them into clans and classes by a proposed exclusion from any right of citizenship, either on account of place of birth or of religious opinion, must excite in every true patriot feelings of the most painful solicitude. All history admonishes us that a war of races and sects is the deadliest curse that can afflict a nation. Let us not turn a deaf ear to her warning voice, by countenancing those who may rashly involve us in both, in the effort to accomplish political ends, by appealing to a morbid and fanatical religious zeal, and thus stirring at their sources, the most ungovernable passions and prejudices of the human heart. Indeed it may require already a most vigorous exercise of public virtue to turn back the tide of evil flowing upon us, from an improvident introduction of religious issues into the field of political agitation, and to restrain that proclivity to intolerance and proscription, which has recently been developed in different sections of the country. We should ever guard the

perfect freedom of the citizens in matters of religious opinion, and the purity of the ballot-box, as we would our honor, and resist every invasion of either as a blow aimed at the very corner-stone of our political edifice. If on the one hand we permit brute force to control the ballot-box, and violence to deter the quiet and peaceably disposed citizens from the exercise of his right of suffrage, or on the other, allow a citizen to be proscribed on account of his religious faith, we "poison the very fountain of public security," our Constitution becomes a solemn mockery, and the Republic a cheat and delusion, whose very essence is despotism.

In the final sentence of this quotation, Governor Ligon exposed both the principal evils which the reformers had set out to combat and the greater one which had arisen in the body politic. He thus courageously threw down the gauntlet to a legislature controlled by delegates elected by reasons of the movement he had thus publicly censured. The executive had referred to secret political societies as being a particular menace to free government; for the American party had become a secret society and was recognized as such. Lodges had been instituted in most or all of the states, with passwords, grips, and degrees. When the members of the party were asked concerning their principles or objects, the answer was, "I know nothing." From this reply they acquired an appellation that became better known than any other. The term was not resented by the members of the party, since it seemed to convey with it the idea of mystery —a thing that would appeal to a large number of those who were likely to join their organization. The abolition of "papal supremacy" was a prime motive with many; but the political-minded leaders of the movement seized upon any so-called "religious" or "moral" issue that could be galvanized into votes —and among these was the abolition of slavery.

This leads to the consideration of the increase and culmination of another menace which was occupying the minds of thoughtful citizens to the exclusion of other matters: *viz.*, mob rule in Baltimore. Conditions had been bad under various régimes and at various periods; but under Know-nothing rule they reached the climax of disregard for order and decency. Two successive mayors, both of whom refused or failed to suppress the lawless element, appear to have shown, in different ways, the effects of the secret government that had been set up. October 8, 1865, being the date set for the municipal elections, the better element called upon Mayor Hinks to order the city militia

under General George H. Steuart to hold themselves in readiness to protect the polls on that day, it being tacitly recognized that the city police were largely affiliated with the secret clubs, and that they could not be depended upon to rebuke or hold in check the disorderly elements. Mayor Hinks agreed to the request to call upon the militia; but scarcely had the order been published before the Mayor saw fit to countermand it, or at least to inform General Steuart that the directions given out had been misunderstood and that all preparations by the militia should be forthwith abandoned.

When election day arrived, the disorders at the polls exceeded anything that had been known before. The candidates were Thomas Swann, Know-nothing, and Robert Clinton Wright, Democrat. Rioting broke out in all parts of the city, to the intimidation of peaceful citizens; but the worst affray was a fierce fight between the "Rip-Rap" organization and the New Market Fire Company. This combat took place in the Lexington Market and assumed the aspect of an infantry engagement. Firing was regular, and well-defined charges were made until the "Rip-Raps" gained the day. The latter captured the stronghold of the enemy and triumphantly sacked it. Thomas Swann was declared elected by a majority of 1,575.

The scene was well set for the drama that followed in the Presidential election of November 4th. Since at this time there was but one polling place in each ward there would necessarily be, even under proper conditions, a great deal of crowding. This was made the excuse for the pushing, jostling, and shoving of voters and for the gathering of bands of "heelers" and partisan ruffians. In each ward scores of citizens were insulted, thrust with awls and other sharp instruments in the jostling of moving crowds, or were severely beaten. There were no polling booths. The voters cast their ballots at an open window, upon the sill of which the ballots of the various parties were displayed, so that the voter selected his ballot in plain view. This led to the distribution of ballots at houses, so that the careful voter came with his ballot in his pocket. But the American or Know-nothing party checkmated this arrangement by having ballots printed on striped paper, so that it could be readily recognized at the polls what ticket the voter was offering. Without registration, repeating was easy, and many of the ruffians who took part in the

riots came from other cities. The worst outrages of the day occurred in the Second and Eighth wards. In each of these wards persons were killed, while an indefinite number, perhaps even hundreds, were wounded. The newspaper accounts of the fray expressed astonishment that the fatalities did not run into three figures. Nearly all the dead and wounded were reported to have been shot rather than struck down with the usual missiles of the mob. Men were seen firing singly and by volleys, and pursuing each other singly or in groups, as one side or the other secured the advantage. The climax, however, was reached in the afternoon in the Sixth Ward. Here cannon were brought into play, and a pitched battle developed on Orleans Street, near the Belair Market, between the Eighth Ward Democrats, who were called to the rescue of their comrades and who were the possessors of the cannon, and the Sixth and Seventh Ward Know-nothings. At first driven back, but not to be outdone, the Know-nothings brought forward and unlimbered a small swivel, and the battle raged, with varying fortunes, for several hours. The police finally secured the Democratic artillery; but those who had manned the latter succeeded in capturing and upsetting the Know-nothing swivel gun, when darkness put an end to the combat. During the mêlée, windows were closed, houses were barred, and women and children sought safety from flying bullets in cellars and garrets. The "election" resulted in the triumph of the Know-nothings by a majority of more than nine thousand. The Democrats were permitted to record one vote in the Twentieth Ward, two in the Eleventh, and from eight to a few score in a number of others. The Eighth, however, was controlled by the Democrats, and that ward polled 1,013 votes. In explanation it was said that a number of Democratic voters, frightened from the polls in the other wards, repaired to the Eighth to record their Presidential preferences.

As the city seemed wholly in the hands of the Know-nothing clubs, Governor Ligon proposed interference by the state militia; but the Governor and the Mayor could not agree on any specific course, and matters were allowed to drift along to the time of the municipal elections in the fall of 1857. These were characterized by no such scenes as had taken place in 1856; but such was the fear inspired by the "strong-arm" Know-nothing organizations that Democratic voters were virtually disfran-

chised. Again Governor Ligon endeavored to get the coöperation of Mayor Swann in providing some measures of relief from the ruffianism that prevailed in the city, but the latter now openly questioned the authority of the Governor. Nevertheless, Ligon ordered General George H. Steuart to hold the First Light Division, Maryland Volunteers, in readiness for service. Upon the issuing of these orders by the Governor, the Mayor suggested a compromise measure and affirmed that enough special police would be summoned for duty in the municipal elections of 1858 to assure good order at the polls. This compromise measure the Governor accepted. The candidates for the mayoralty were Thomas Swann, Know-nothing, nominated to succeed himself, and Colonel A. P. Shutt, independent or reform candidate.

Early on the day of the election, it was seen that the balloting was a mere mockery. Armed partisans had complete charge of the polls, and it was hazardous to attempt to cast any but the Know-nothing ballot. In this election there were no pitched battles between organized bands, but the methods of the party in power were even more effective than before. Those who went to the polls with Know-nothing tickets were allowed to pass with cries of, "Make way for the voter!" But woe betide the citizen who selected an unmarked ticket. "Meet him on the ice!" was one signal for the gang to push forward; and the shoemaker's awl, now become the emblem of power, was brought into effective use upon his person. The independent candidate for Mayor, wishing no longer to endanger the lives of his supporters, publicly withdrew his name, and the election went to Mayor Swann.

The movement which had set out with such fine promises of franchise reform based on the native-born vote, to the exclusion or restriction of the naturalized element, had resulted in the greatest abuses that the city had known. The lesson was obvious; this "reform" movement, although supported at the start by many well-meaning people, was all too soon based upon exclusion, proscription, and intolerance; and intolerance especially has ever afforded the most fertile soil for political pretense and hypocrisy. These conditions the intelligent element, regardless of creed, race, or nativity, were now determined to correct. In the first place it was generally recognized that as the

police were largely members of a corrupt, oathbound secret order, it would be absolutely necessary to clean up that department of the city administration, if not through the municipal authorities, then by means of state interposition. By way of illustration the Baltimore *Clipper* printed the following remarkable notice:

ATTENTION, Rough Skins!—All those opposed to William Howard being on the police are requested to meet at the Rough Skin Hall, on *this evening,* October 1, 1858. By order *William Richardson,* Captain.

In November, 1858, a meeting was held under the auspices of the "City Reform Association." There is no need to go over the account therein presented of the reign of terror that had disgraced the city; but perhaps it is well, for the inspiration of future reformers engaged in fighting the far more subtle but possibly equally dangerous evils of later times, to record the faith of those who prepared and signed the following address:

The members of this Association [ran the address] believe that the evils which they and their fellow citizens are suffering, are susceptible of easy cure, within the scope of the existing laws, with good faith and reasonable efficiency on the part of those who are charged with their administration. But they see enough, in the experience of the past, to satisfy them that a temporary diminution or suspension of those evils is no guaranty for their permanent suppression; and that no momentary effervescence of official vigilance or activity affords any certainty of the reëstablishment of order and good government. They are convinced that the only positive security against the continuance of such grievances and their augmentation, in the future, is the combined and resolute action of the citizens themselves, within the limits of the law also. They have therefore pledged themselves to each other, to join, with such affiliated societies as may be formed, for like purposes throughout the city, in vindicating and reëstablishing their rights and restoring the good name of Baltimore.

The address was signed by the following officers of the Association: Samuel W. Smith, president; Wm. H. D'C. Wright, Hugh A. Cooper, Dr. A. C. Robinson, Geo. Wm. Brown, vice presidents; Henry M. Warfield, recording secretary; James H. Barney, corresponding secretary; Lambert Gittings, treasurer. The others who signed their names were the rank and file of an army pledged to fight for honest administration.

Although the Democrats had long fought against these Know-nothing societies, and although the party had put up a good candidate for mayoralty, the City Reform Association

thought best to cast aside all party ties, especially as, in dealing with the Democrats, it would have to deal with an organization which, in former times, at least, had been in bad hands and had, in lesser degree, been addicted to the practice of the frauds that had characterized the elections of the previous decades. It was known, also, even in those days, that political corruption could be secretly bipartisan—for the sake of the spoils of office. The Reform Association did not act hastily; and it was not until the fall elections were approaching that they advertised a nonpartisan "town meeting." The meeting was held on the 8th of September and passed a series of resolutions which reiterated and expanded the substance of the address previously made. Its principal "resolve" set forth the demand for honest judges of election returns and nonpartisan special police to enforce order at the polls. This demand was made upon Mayor Swann, who refused to accede to the wishes of the committee that had been appointed, chiefly on the ground that the committee was attempting to infringe upon the prerogatives of the city executive.

In the municipal elections of October, 1859, the Reform Association was partially successful; but in the November state and Congressional elections which immediately followed, conditions approximated the turbulence of former days. In the meantime the element that had held control for so long a time gathered its full strength and countered against the great reform gathering by a meeting on the same historic spot—Monument Square. Thus, on October 27, 1859, several weeks after the great gathering of the reformers, the Know-nothing clans, cliques, and clubs came together in what was described as the "conglomerated ruffianism of the city." Many of these clubs rejoiced in such significant names as Red Necks, Rip-Raps, Black Snakes, Tigers, Gladiators, Ranters, Blood Tubs, and Plug Uglies. A few others either had copied the names of organizations of a more decent character, or perhaps were the political descendants of organizations that had once supported worthy purposes, such as the Pioneers, Ashlands, Spartans, and Regulators. This great meeting was accompanied by all the political paraphernalia of the day, including drums, rockets, transparencies, and cannon. The clubs themselves did not hesitate to declare their purpose, which was the control of the polls by intimidation. This

was indicated by banners of other emblems, many of which had definite references to the particular implement then in general use for purposes of intimidation: *e. g.,* "The Awl is Useful in the Hands of an Artist"; "Come up and Vote; There is Room for Awl"; "The Third Ward is Awl Right." It was noted that men prominent in the various activities of the city were not abashed by appearing in conjunction with these frank avowals of threatened force; and the meeting was presided over by the Hon. Anthony Kennedy, assisted by no less that sixty vice presidents. On this occasion Henry Winter Davis dishonored not only the city and state, but, as Congressman, the Republic itself, when he addressed the meeting from beneath a gigantic awl some three feet in length, while in front of the speaker's stand stood a blacksmith's forge busily engaged in manufacturing awls for distribution, presumably for use at the ensuing election.*

But the writing was on the wall and this political orgy was drawing to a close. Subsequently to the elections the Central Reform Committee issued "An Address to the Citizens of Baltimore." This arraignment of the municipal authorities was none the less scathing for being specific:

> Your efforts for reform were defeated at the recent elections by deeply contrived fraud and overpowering violence, carried to an extent which could hardly be credited, were it not that you have experienced the one and witnessed the other. The extensive scale of the operations, their careful design, and skillful combination, indicate direct complicity, or, at least, criminal connivance on the part of the authorities of the city. . . . The polls in some instances were placed in situations immediately under the control of the clubs who had their arsenals close at hand, with every preparation made to take possession of the polls and drive away voters by force of arms. Illegal votes in great numbers were received by many of the judges without question or scruple. . . . Omnibus loads of wretched creatures who had been coaxed or kidnapped into vile coops, and there confined for days, were carried about from place to place and voted as often as their keepers thought proper. No attempt was made by the authorities to break up the arsenals or coops. Respectable citizens were brutally assaulted, beaten and driven from the polls. Very few naturalized citizens were allowed to vote or even to approach the polls. . . . It is our melancholy duty to state that a foul and bloody murder was added to the other crimes of the day. This community will long deplore the death of an excellent fellow-citizen, Adam Barclay Kyle, Jr., who lost his life in a manly effort to maintain his right as a voter and perform his duty in the manner

*The awl, as used at the Baltimore polling places, has been described as the "original disappearing gun," for the reason that it was attached to a rubber band fastened above the elbow. It promptly vanished up the sleeve after it had served its purpose on the anatomy of the enemy voter approaching the polls.

recommended by this committee. But he has not died in vain. His blood was shed in defence of the dearest rights of freemen, and that honor awaits his memory which is awarded to those who lay down their lives for their country.

The address further recited, in direct terms:

The men who have been returned by the officers of the law as your rulers and representatives have no right to these places. *Amongst them are those who claim to be, and who have always been considered honest and honorable. It is both a principle of law and a maxim in morals, that the receiver of property, known to have been obtained by robbery, is as guilty as the taker; and they who by fraud and violence are elected to offices of trust, cannot retain them without incurring guilt equal to that of the instruments by whom they were chosen.*

Having issued their declaration, the Committee called a convention which met on the 17th of November, of which the presiding officer was George M. Gill. The convention appointed a new central committee with one representative from each ward, together with an executive committee to provide the ways and means necessary for the "furtherance of the objects of the Association." It created also a committee on contested elections with the object of procuring and preparing evidence of the frauds that had been committed in the immediately previous election, and of presenting the same to the General Assembly, requesting that body "to vacate the seats of all claiming office in virtue of the pretended election in this city on the 2nd of November, 1859." Finally a committee on legislation was directed to present any acts or laws necessary to remedy the evils from which the city was suffering. This committee consisted of William Henry Norris as chairman, Neilson Poe, I. Nevitt Steele, Phillip Francis Thomas, and Severn Teackle Wallis. Associated with them at times were John V. L. McMahon, John Nelson, George M. Gill, J. Mason Campbell, George William Brown, C. Jervis Spencer, Reverdy Johnson, and C. W. Gwinn.

The General Assembly of 1860 met on the 4th of January; and it seems that the members, aroused in unusual degree by the dangerous political situation, took serious hold upon the duties laid before them. The Assembly enacted into law the recommendations of the Reform Committee of Baltimore in taking away the control of the police commissioners from the city and placing that power with the Governor. On the last day of the ses-

sion the Legislature declared null and void the election of the 2d of November in so far as it affected the membership of the Legislature. In other words the members of the General Assembly "alledged to have been elected" from Baltimore were expelled.*

In February, 1860, the new municipal order went into effect when Charles Howard, John W. Davis, Wm. H. Gatchell, and Charles D. Hinks entered upon their duties as the new Police Board and appointed George P. Kane Marshal of Police. But the Reformers did not consider their task accomplished until the personnel of the city administration had been changed. Consequently, on the 18th of August, 1860, citizens favorable to what was now known as the "Independent Reform" movement assembled to provide for the nomination of Independent candidates for Mayor and City Council. Dr. Alexander C. Robinson presided. The officers of the meeting were empowered to appoint a central committee to consist of one representative from each ward, on whom devolved the duty of bringing forward independent candidates. On the 29th of August this committee nominated for Mayor George William Brown, who had been active in all the efforts of the Reform movement from its beginning; and no better candidate could have been chosen or one more courageous in supporting decency in government. The rapidly crumbling Know-nothing party nominated Samuel Hindes in opposition. On the 10th of October Mayor Brown and a Reform council were elected by a majority of nearly two to one. This election marked the end of the domination of the Know-nothing party in the city of Baltimore and the State of Maryland, although the party still held over in the executive department, as Governor Hicks's term of office had two more years to run. The party was, however, rapidly disintegrating. Its leaders, especially Henry Winter Davis, urged, and in large measure secured, affiliation with the newly formed Republican organization, which was termed, in Maryland, the Union party.

In the foregoing pages it has been seen that under the Know-

*"In all this record of political crime," writes Riley, "one man's name stands out in shining lustre—that of William A. Wisong. An eyewitness of the frauds that characterized the election, he resolutely refused—though threatened by letter with death if he did not—to take his seat in the Assembly as a member of the House of Delegates." He gave as the reason of his refusal that he and his colleagues had been elected by fraud and violence.[16]

nothing régime, not a few men "of respectability"—to use a phrase of the day—supported the organization that was directly responsible for these outrages, just as in the present many men of high standing in state or nation defend or condone modern forms of "graft" in municipal, state, or Federal affairs if it seems to them likely that business should become unsettled if the offending organization be overthrown. It is fair to point out that the defenders of the vicious organization that dominated city politics during the fifties had a real basis for their defense. Not infrequently, indeed, an historical résumé confined to the political side of events may give a presumption of general retrogression, whereas a review of the same period limited to the economic side creates a contrary impression. Any exposition, therefore, that excludes either of these considerations is likely to give rise to misconceptions. Mayor Swann was a good business executive, regardless of the political foulness which he permitted or encouraged, and of which he was, as an office holder, the beneficiary. For example, Dr. Hollander makes the following statement concerning the period under discussion:

> It is an extraordinary circumstance that these years, although characterized by the use of fraud and intimidation in municipal elections to a degree perhaps unique in American political history, were upon the whole, progressive in municipal policy.[17]

CHAPTER XI

The Dragon's Teeth

Politics often sails under false colors, and it will deceive the historian unless he is exceedingly vigilant.—Edward Eggleston.

In the preceding pages a number of references have been made to threats of secession. Some of these threats originated in New England; some in the far South. When the people of the commercial states of the Northeast feared a serious lessening of their influence in the Federal Union because of the expansion of the Southwest they began to consider separation. After this expression of dissatisfaction in the War of 1812 Southern and Western statesmen, largely under Calhoun's leadership, sought with protective tariffs to placate the New Englanders for the losses they had suffered under embargo, nonintercourse, and war conditions. When, however, these tariffs kept on increasing, the burden of them in the then wholly agricultural South became intolerable; and Henry Clay's high tariff and internal improvements plan helped to develop the sectional difficulties which he is credited with having from time to time settled by compromise.

With regard to those Maryland statesmen who had objected to the original form of the Federal Constitution the warnings of Martin and Paca stand out most strongly. Martin, like Patrick Henry, objected outright to ratification, while Paca, like Samuel Adams and George Mason, urged amendments to meet the objections that the Constitution did not sufficiently guarantee the liberties of the individual or the rights of the states. They recommended what was in their opinion the ounce of guarantee that was to prevent the disease of dissolution or the surgery of coercion. Martin, Paca, Henry, Samuel Adams, and other objectors had passed off the scene when Jefferson, in letters to Lafayette, Gallatin, John Adams, Charles Pinckney, Hugh Nelson, and Richard Rusk forecast sectional conflict. Jeffer-

son's prediction may, perhaps, be best illustrated by a letter addressed to John Holmes in April, 1820, in which the prime mover of the Northwest Ordinance wrote:

> A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.

Had Jefferson written this letter in 1831, when open conflict was barely averted, he must have made specific reference to the economic basis of sectional trouble, which, however much it has been neglected in the treatment of American history, was the principal cause for division.[1]

In the midst of this dissension, neither the voice of coercion on the one hand nor that of disunion on the other was heard within the borders of the Old Line State. Or, if it be an exaggeration that no such discordant note was heard in Maryland, it was sounded in so minor a key as to excite no special notice. This did not mean that, in both a political and a sectional sense, Marylanders were not partisan; but, although divided in their sympathies and personal interests they were not persuaded to acknowledge the divine right either of King Coal, on the one side, or of King Cotton, on the other. In order to understand the position of Maryland, conditions throughout the Southern states must be reviewed. The antebellum South, of which Maryland was a part, had three principal causes for complaint in the Federal Union. The first of these was concerned with the economic policies pursued by the Federal government. The second involved incessant attempts at Federal interference with one of principal economic and social problems of the South, the process being coupled with violent vituperation and sporadic efforts to stir up servile insurrection. The third consisted of legislative nullification by the Northern states of definite provisions of the Federal Constitution, including attacks upon the persons of Southerners seeking to regain runaway slaves.*

In regard to the first of these complaints Edmund Burke, of

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*"It will not be denied that the South not only believed that the Federal Government was one of limited and specific powers, but that the Constitution had been violated in the refusal by several of the States to surrender fugitives held to service, and by the imposition by the Government of high protecting duties on importations for the benefit of sectional interests."—Speech of George Vickers, U. S. Senate, January, 15, 1872.

New Hampshire, declared that in the sixty years following upon the adoption of the Constitution the North had received $43,000,000 of the $54,000,000 expended for custom house employees, buildings, and upkeep. This was in regard to one item. Other contemporary statisticians asserted that "eight-tenths of the disbursements of the government went to the North, and that two-thirds of the revenues from customs were derived from goods imported in exchange for Southern products."[2] With regard to the economic question of the tariff, sentiment in Maryland was divided. The land-holding classes of the Eastern Shore and of southern Maryland were in favor of a tariff for revenue, technically known as free trade. It was natural for the farmers or plantation owners to be in favor of an open market wherein to buy the manufactured products which they required, particularly since they had to compete in the open markets of the world in selling their cereals, tobacco, timber, and so forth. On the other hand, the people of Baltimore became increasingly interested in manufacturing, and it was natural for those so concerned to favor tariff subsidies. Against this high tariff sentiment there was arrayed the local shipping interests. These, having made Baltimore famous in the days of the fast-sailing "clippers," now perceived with dismay that increases in the tariff rates tended to destroy the carrying trade which had contributed so greatly to the city's earlier growth and prosperity. With the preponderant weight of the Federal government thrown in, the manufacturers won.*

In elaborating upon the second cause for sectional complaint

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*An illustration of the struggle between shipping and manufacturing interests is to be seen in the contemporaneous change of attitude on the part of Daniel Webster. In 1816, Webster represented shipping interests. Consequently he prepared a strong argument against the protective tariff. During the next decade, however, this once eloquent advocate of freedom in trade became an equally eloquent advocate of high imposts, since, in the meantime, many of his constituents were building factories. The clash of economic interests throughout the Union was summed up by George McDuffie, of South Carolina, who declared: "It is this very tie binding the majority of Congress to execute the will of their constituents which makes of them our inexorable oppressors. They dare not open their hearts to the sentiments of human justice, or to the feelings of human sympathy. They are tyrants by the very necessity of their position, however elevated may be their principles in their individual capacities." Many years before, this situation had been precisely forecast by Richard Henry Lee, mover of the Declaration of Independence; and it was this fruitful cause of sectional discord that Paca sought to remove when he offered his amendment: "That no regulation of commerce, or navigation act, shall be made unless with the consent of two-thirds of the members of each branch of Congress."

one finds that, for some time after the Revolution, the South had by far the greater number of active emancipation societies; but these societies were contending with a problem of huge proportions, while it was comparatively easy to provide for the emancipation of the small number of negroes living in the Northern states. Abolition in one section and the continuance of slavery in the other had the unfortunate effect of sharply accentuating the differences that were more or less inherent in the political and economic conditions of the two sections. However shameful it may have been, it was not unnatural for politicians to promote their personal fortunes through the diligent cultivation of sectionalism. As pointed out by Jefferson, the moral issue was seized upon as the plank sure to win the support of a large section of the so-called "Church vote," which could also be manipulated as a lever to exalt the political prestige and economic prosperity of the North at the expense of the South.[3]

Reviewing further the third complaint, involving the rights of the Southern people under the Constitution and under the application of the so-called "compromises" arranged by Congress, it may here be said that perhaps no subject in American history has been so generally misunderstood. A number of otherwise excellent historians have given currency to the statement that these compromises always meant concessions on the part of the North, although nothing seems clearer than that the South yielded important political rights in every one of these agreements and received therefor no real or lasting recompense. In fact the Northern leaders shrewdly outmaneuvered the Southerners in the issue of all these arrangements. Things "conceded" to the South usually covered guaranties already inherent in the Federal compact. Such guaranties, regardless of additional Federal enactments, were not carried out, because the Northern states declared them null and void.[4] These facts moved Webster to declare that: "A bargain broken on one side is broken on all sides"; hence, the Southern states "would no longer be bound to keep the compact." As the South sought to regain some of her rights and enforce others under the Constitution it was not denied that the rights existed; but it was openly asserted by political leaders that in these respects the Federal Constitution must be disregarded, either by popular refusal to obey it, or by the deliberate interposition of state

legislatures. Whether the fugitive slave law, against which these later nullification acts were directed, constituted a political blunder or not, the act itself presents a classic example of the difficulty of enforcing a Federal statute against the sentiment of the people in their respective states or communities; even though, in this instance, the law was enacted to aid in carrying out a clause in the body of the Constitution.*

When Southern slave owners desired to carry their slaves into the Western territories to provide labor on their newly acquired farms; or when they wished to take with them their "servants" for sojourns in the Northeastern states, the moral question assumed social and political aspects. But, in the Northwest, in particular, what is now widely believed to have been a whole-hearted interest in human freedom was at that time very largely a pronounced dislike of the possible intrusion of the negro into "the white man's country"; hence the severe laws passed by the Northwestern states against the advent or prospective colonization there of the negro, regardless of his status. Upon this storm-tossed sea of sectional controversy, Maryland constantly strove to pour the oil of conservative patriotism, understanding, and sound common sense. In this Marylanders had the good wishes, wise counsel, and constructive assistance of union-loving patriots, North and South. The noted New England advocate of emancipation, Dr. William E. Channing, declared that the

> Abolitionist proposed indeed to convert the slave-holders; and for this reason he approached them with vituperation and exhausted upon them the vocabulary of reproach;[5]

and, in a eulogy of Clay, Abraham Lincoln exclaimed:

> Those who would shiver into fragments the Union of these States, tear to tatters its now venerated constitution, and even burn the last copy of the Bible, rather than slavery should continue a single hour, together with all their more halting sympathizers, have received, and are receiving their just execration.[6]

As a member of the Illinois Legislature of 1837 Lincoln had signed a statement that although he believed slavery was

*The Constitutional arguments in favor of the Southern contentions were difficult to refute; hence, the famous appeal to a "higher law" above the Constitution, above the Federal courts, and above Congressional legislation.

"founded on injustice and bad policy" the "promulgation of abolition doctrines tends rather to increase than abate its evils." His statement was thus elaborated by Stephen A. Douglas, July 16, 1859:

> This gradual system of emancipation went on quietly, peacefully and steadily so long as we in the free States minded our own business and left our neighbors alone. But the moment the abolition societies were organized throughout the North, preaching a violent crusade against slavery in the Southern States, this combination necessarily caused a counter-combination in the South.[7]

Again, when Lincoln declared the power of Congress to abolish slavery in the District of Columbia "ought not to be exercised unless at the request of the people of the District," he was setting forth the fundamental American doctrine of local self-government. It cannot be too strongly stressed that these expressions, proceeding from sources of national importance, set forth the views of the majority of the people of Maryland. Had Lincoln not become identified with a distinctly sectional political organization, the membership of which was believed to consist largely of "South-baiters" and other extremists he would have received political support in Maryland, provided these views could have been made clear to the electorate. As early as 1835, in terms not unlike those used by Lincoln, Governor James Thomas had reviewed the abolitionist threats of disruption as follows:*

> The country had been much and deeply agitated by the machinations of sundry misguided and wickedly disposed citizens residing chiefly in the Northern and Eastern States of the Union, who, associating themselves with certain unprincipled foreign emissaries, have sought, and it is believed are still seeking, by every means within their power, to destroy the peace, happiness and security of the citizens of this and of all our sister States of the South. Presses are maintained, from which issue, in a constant stream, the most exciting and inflammatory addresses to our slave population, which are circulated among them by means of the post-offices and by secret agents, dispersed in every direction. These addresses inculcate not the doctrines or principles by which their authors profess to be actuated; they inculcate not philanthropy, humanity or brotherly love; but they teach, and are designed to excite to rebellion, murders and bloody slaughter. Their authors seem anxious to involve us in all the horrors of servile war, and profess to do it, too, in the name of outraged humanity and religion.

In the same year the free negroes of Baltimore met and publicly expressed their "disapprobation of the measures pur-

*Message to the General Assembly, 1835.

sued by the anti-slavery" societies of the North. Members of the African Methodist Episcopal Church declared:

> We do most firmly and sincerely believe that the dissemination of inflammatory appeals addressed mainly to the prejudices and passions without reference to the reason, instead of promoting the object professed to be had in view, will greatly aggravate the evils already existing, and create others of a far more alarming and calamitous nature; will render the situation of that portion of a colored people now in possession of liberty, awfully precarious, rivet the fetters still more closely on the slave; and jeopard the prosperity and happiness, nay, the life itself of the whole population of the Southern States, both white and black. . . . Influenced by these considerations, and determined by the harmless rectitude of our deportment, to manifest our heartfelt, and unconquerable abhorrence of the atrocious attempts of mistaken, hot-headed zealots to plunge the country into anarchy and discord, and to deluge it with torrents of blood: We do hereby sacredly pledge ourselves not to receive any of the vile, mischievous and incendiary publications now so industriously scattered abroad.

Nothing that is at all conjectural seems clearer than that Maryland would—nay, must—have soon followed her sister states of the North in the matter of emancipation. The fanatical violence of the unreasonable type of abolitionist served merely to delay the issue. Emancipation sentiment among the slaveholders in the state was remarkably vigorous, in view of the refusal of the people of Northern neighbor states to obey Federal laws. Several citizens of Maryland were set upon in Pennsylvania by mobs that did not balk at murder. Possibly the most noted example of this early exercise of lynch law occurred in the case of Edward Gorsuch, of Baltimore County, who, in September, 1851, went to Christiana, Lancaster County, Pennsylvania, to secure the persons of four such fugitives. On this mission Mr. Gorsuch was accompanied by a deputy United States marshal and several relatives and friends. Information, it appears, had been previously sent to the people of that neighborhood of the approach and intention of the marshal and his party. In any event, shortly after their arrival they were surrounded by armed men who had assembled at a preconcerted signal. Finding that it was useless to attempt any arrests the marshal was in the act of retreating and had called upon his companions to follow him when the mob attacked them. Edward Gorsuch was killed and his body mutilated, while his son, Dickinson Gorsuch, was badly injured. Previously James H. Kennedy, a citizen of high standing from Hagerstown, secured,

in June, 1847, the arrest of runaway slaves in Carlisle, Pennsylvania. In court he formally claimed them under the Constitution and the Act of Congress. The judge, however, decided that by an act of the Pennsylvania legislature of that year, the Court could not hold jurisdiction in the case and that the sheriff was forbidden to render assistance or to use the jail for safekeeping. Upon leaving the courtroom to enter his carriage at the curb Kennedy was attacked by a mob and so severely beaten that he died a few days later.[8]

In a message to the General Assembly in 1847, Governor Pratt denounced this incident and added further testimony as to the practice of nullification in Pennsylvania:

> On the 26th of April last [he wrote] I demanded of the Governor of Pennsylvania, as a fugitive from justice, Isaac Brown, the slave of Mr. Alexander Somerville of Calvert County, who had been indicted for an attempt to assassinate his master. The Governor in this case issued his warrant for the arrest and delivery of the criminal to the agent of this State. He was arrested in Philadelphia, and after a protracted trial before one of the tribunals of that city, involving the legality of the Governor's warrant, the court directed his delivery to the officer of this State. . . . Immediately after the case was supposed to have been thus terminated, a writ of *habeas corpus* was issued by some other tribunal than that before which the case had been tried, and the criminal was rescued by the populace, and placed beyond the reach of the officer of this State.

Since the Fugitive Slave Law has frequently been referred to as a political and tactical blunder, whether the law itself was based upon the provisions of the Federal Constitution or not, it is well to remember that, as a member of the House of Representatives, Abraham Lincoln had drawn up a bill containing the following provision:

> The municipal authorities of Washington and Georgetown, within their respective jurisdictional limits, are hereby empowered and required to provide active and efficient means to arrest and deliver up to their owners all fugitive slaves escaping into said district.[9]

Despite all these untoward circumstances, the various censuses from 1790 to 1860 showed a steady increase in the number of free negroes living within the bounds of Maryland. In 1790, there were but 8,043 "free persons of color" in Maryland. By 1810, before the abolitionist activities had attained widespread virulence, the number had rapidly increased to 33,927 or one third the number of negroes in slavery. Thereafter

the increase was slower, yet at the rate of more than 10,000 every ten years, so that by 1860 the number of free negroes in Maryland was nearly equal to the number still in bondage.[10] That the sentiment of the state was heartily in favor of emancipation is shown by the fact that in 1831 the Assembly passed a bill appropriating $260,000 for the transportation of freed negroes to Africa. Expenditure was to stretch over a period of twenty-six years; and this amount represented, for those days, a liberal outlay. Further proof as to the willingness of the people of the state to make sacrifices on behalf of emancipation is evidenced by the additional facts that even during the stress of a national panic, when the state could not pay interest on its public debt, the emancipation fund was not cut off; and that the annual appropriation was twice renewed after the first twenty-six-year period had elapsed. In addition, the Colonization Society of Maryland, acting as an auxiliary of the general Society in Washington, was incorporated with full powers to carry out the ends it had in view.*

Whatever may have been the economic and social evils arising from negro slavery—and under modern conditions this social status was growing more anachronistic every year—slavery made possible the free and economically independent country life in the Southern states. It had served a good purpose in making it possible for men of an unusually high type to enter public life, particularly during the formative period of the Republic. These men genuinely loved the Federal or dual form of representative government which their fathers had so largely helped to create and which they sought to foster and promote. The border statesmen in particular endeavored to emphasize the fact that the minority of disunionists in the North, however noisy, did not represent the sober thought of the people of that section, many of whom were constantly protesting against the

*As President, Lincoln fostered an unsuccessful attempt to carry out the emancipation ideas so long prevalent in Maryland. To a group of negroes called together to consider the matter of deportation Lincoln said: "And why should the people of your race be colonized, and where? Why should you leave this country? This is perhaps the first question for proper consideration. You and we are different races. We have between us a broader difference than exists between almost any other two races. Whether it is right or wrong I need not discuss; but this physical difference is a great disadvantage to us both as I think. Your race suffer very greatly, many of them, by living among us, while ours suffer from your presence."—Raymond's *Lincoln,* p. 504.

fury of those who thought that the Union, with slavery, "should not endure for a day," or who agreed with William Lloyd Garrison that the holder of slaves had "forfeited the right to live."* In view of the popular conception that the abolitionist agitators were responsible for eventual emancipation, this great body of constructively conservative people has been almost forgotten. Not infrequently, exasperated unionists in New York, Philadelphia, and Boston attacked the more radical abolitionist gatherings; but these attacks served to make heroes of the disunionists; for nothing seemed clearer than that their idea was a right one, however culpable they were in their methods of carrying it out.

One of the greatest evils resulting from the violence of the abolitionist agitation lay in the abuse, or at least the misuse, of the pulpit in a large number of the churches. It is a saddening commentary upon human weakness to note that the rarity of Christian charity was illustrated in hundreds, if not thousands, of pulpits, whose occupants lent themselves to the most extraordinary denunciations of their brethren and fellow countrymen of the Southern states. The forum took up the refrain, and the country rang with the unqualified indictment of an entire people. Besides these more modern outbursts the old Puritan hell-fire sermons seemed to pale into insignificance; for the Puritan theologians dealt largely in abstractions on the human race in general. Their successors, on the other hand, preached the total damnation of their fellow countrymen in particular.

Politicians were quick to appreciate the power of this agitation. Those who were unscrupulous perceived how they could, with excellent effect for themselves, bring back the Church into politics in a new form, just after the founders of the Union thought that, under the new order, Church and State had been definitely separated so that men could henceforth be free to render unto Cæsar the things that are Cæsar's and unto God the things that are God's. In fine, this "crusade" against the "sum of all villainies" had the unhappy effect of convincing millions of good people that other people equally good, in another section of the Republic, were as debased as any that the world had known. Many declared, with unconscious pharisaical fervor, that the people of the "free" states should not maintain

*See reference to Robespierre and San Domingo, *supra*, p. 404.

political, religious, or social associations with their fellow citizens of the South. In an address which was printed at the expense of public-spirited citizens of New York by way of protest against the bitterness that was splitting asunder many of the churches, Bishop John Henry Hopkins of Vermont declared, in reference to the extremist attitude and agitation:

> The eloquent preacher chooses it for the favorite topic of his oratory. The theme is well adapted to rouse the feelings, and it is usually by no means difficult to interest and gratify the audience, when the supposed sins of others, which they are under no temptation to commit, are made the object of censure. In due time, when the public mind is sufficiently heated, the politician lays hold of the subject, and makes the anti-slavery movement the watchword of party. And finally the Press follows in the wake of the leaders, and the fire is industriously fanned until it becomes a perfect blaze; while the admiring throng surround it with exultation, and fancy its lurid light to be from heaven.*

The effort of these zealots bore its natural fruit of violence and bloodshed in the John Brown invasion, in which Maryland was chosen as the soil upon which an overt defiance of state and Federal law was to be promoted. In 1857, "Captain" Brown, having collected funds in New England and New York, met an English adventurer, "Colonel" Hugh Forbes. The latter made so great an impression upon the mind of the Kansas agitator that,

> John Brown, the reticent and self-contained, unbosomed himself to this man as he had not to his Massachusetts friends who advanced the money upon which he lived and plotted.[11]

The abolitionist engaged Forbes to drill the troops Brown and his accomplices were to raise. At the same time Brown ordered hundreds of spears or pikes, which he intended to put in the hands of the negroes he planned to liberate. Secretly Brown prepared the blow in Maryland that was to descend upon Virginia, and doubtless the whole South. His first objective was to add to his store of arms by the capture of the United States arsenal, armory, and gun factory at Harper's Ferry. In the French West Indies servile uprisings had been encouraged by communists and atheists; but, judging from the tone of thousands of pulpits in the North, Brown felt he could depend upon

*A *Scriptural, Ecclesiastical, and Historical View of Slavery.*

the sentiment of a "militant Church" aroused on behalf of a campaign of liberation of which he was to be the leader.

A clear comprehension of John Brown's plans and ideas helps us to understand certain misconceptions spread all too widely throughout the North. It appears that Brown believed not only that the negroes were ready to rise on every hand; but that the disunionists in the North would rally at the announcement of his early successes. Should the latter alone not serve to throttle Federal interference, he had prepared to win to his cause the rank and file of the United States Army. For this purpose, with at least the silent consent of his sympathetic friend, the Reverend Theodore Parker, he prepared a tract which he hoped would, by its quiet distribution among the United States regulars, effect the desired change in allegiance. As Brown expressed it, it was to bring about an "actual exchange of service from that of Satan to the service of God."

John Brown used several aliases in the course of his career. In Kansas he was known as Shubel Morgan; but, when he began operations in Maryland he went under the names of S. Monroe and I. Smith. On July 3, 1859, Brown, and part of his "Provisional Army" arrived at Sandy Hook, on the Baltimore and Ohio Railroad. Inquiry on the part of the supposed "New York farmers" developed that the Kennedy farm could be rented near Harper's Ferry on the Boonsboro road, while some of the conspirators were posted at Chambersburg for the purpose of forwarding supplies from friends in the North.* Brown not only had begun to collect his provisional army, composed of whites and negroes; but he also had prepared a provisional government. His great problem was to keep his proceedings under cover; hence, friendly or curious Maryland neighbors were not welcome. However, no one seemed to suspect the design that "I. Smith," his sons, and their company had in view; so that in the night of October 16, 1859, the band set out on an uninterrupted march of about five miles to their first and last military rendezvous, Harper's Ferry. Having taken into custody the bridge watchman and the watchman on duty at the

*Among Brown's active friends or passive acquaintances and at least partial sympathizers were Thomas Wentworth Higginson, Benjamin Sanborn, Gerrit Smith, Rev. Theodore Parker, Samuel G. Howe, George L. Stearns; also, less intimately, even more noted admirers and eulogists: Henry D. Thoreau, Wendell Phillips, William Lloyd Garrison, and Ralph Waldo Emerson.

armory gates the conspirators were soon in possession of the United States arsenal and valuable supplies of arms and ammunition. The watchmen were formally told of Brown's intentions; but the Baltimore and Ohio porter, a free negro, was shot and mortally wounded for failing to halt at the orders of the conspirators. The commander in chief's detachments sent out that night were active and successful in achieving their long-prearranged plans. The first of these groups had been dispatched to seize the persons of John H. Allstadt and Lewis W. Washington. At the home of the latter the raiders seized a pistol given to George Washington by Lafayette together with a sword presented by Frederick the Great.

With these weapons in his hands [writes Oswald Garrison Villard][12] John Brown, beginner of a new American revolution, wished to strike his first blow for the freedom of a race. When, in addition, the raiders attempted to take his watch Colonel Washington remarked: "I am going to speak very plainly: you told me your purpose was philanthropic, but you did not mention at the same time that it was robbery and rascality. I do not choose to surrender my watch."*

Although the news of this raid aroused nation-wide excitement, the present narrative is concerned specifically with the details affecting the people of Maryland. In the first place the Baltimore and Ohio Railroad was immediately involved, and communication with the West had been cut both by rail and by wire. At Monocacy the conductor of the early morning train telegraphed to Baltimore that Brown had finally permitted his train to go through. He added, however, that the raider had declared:

"This is the last train that shall pass the bridge either East or West; if it is attempted, it will be at the peril of the lives of those having them in charge."

Within a few hours volunteer companies at Frederick wired President Buchanan that they were prepared for instant service, and Baltimore reports showed that volunteers there were equally ready for action. Great crowds cheered the departing Baltimoreans. East of Harper's Ferry, at Sandy Hook, these were united with a detachment of United States Marines; and Colonel Robert E. Lee, of the regular army, took command. Frederick volunteers having driven the marauders back from

*_Senate Document,_ Thirty-sixth Congress.

the Potomac bridge to the armory Colonel Lee directed the Marylanders to stay on the Maryland side, whilst he proceeded with the marines to Harper's Ferry, where companies of Volunteers from Harper's Ferry, Charles Town, Shepherdstown, and Martinsburg had already gathered.

A résumé of the casualties of the day's engagement with Brown's outlaws is of no particular importance here, except that several citizens were killed or wounded and several of the conspirators lost their lives. Besides the death of the negro porter, the Baltimore and Ohio Railroad suffered another casualty in the death of Fontaine Beckham, station agent for the company and also Mayor of Harper's Ferry.[13] The Baltimore Greys were awarded custody of the munitions of war that had been transferred from the farm headquarters in Maryland to a nearby schoolhouse. The pikes were confiscated; and wherever these went through the South they created deep resentment, the more especially as their receipt was accompanied or followed by the news of Northern church bells ringing requiems for John Brown, all of which was coupled with the hysterical utterances of highly educated and otherwise sane men, who acclaimed Brown as one of the world's noblest characters, Ralph Waldo Emerson going so far as to declare that, "The new saint will make the gallows glorious like the Cross."*

During these times, which tested men's patience to the utmost, it was fortunate that Marylanders had extensive business and social connections in the North; they knew that their friends there deeply deplored the misunderstanding that was prevalent in that section. Consequently, Marylanders had faith in the Union. Despite all that had happened they felt assured of the sound good sense and the genuine patriotism of the majority of their Northern associates, and they believed that these would gain the upper hand over a violent sectionalism that had been artificially cultivated through the dissemination of falsehoods. On the other hand, it is not surprising that increasing numbers of the people of the far South should come to judge all Northerners by the fanaticism of those who seemed to them to be

*The utterances of Phillips, Beecher, Parker, and others present a picture of spiritual aberration that, in so far as a highly intelligent class or group is concerned, has, apparently, no parallel in modern history. In fact, the frenzy leaped the Atlantic, and Thomas Hughes declared that John Brown was the only character in human experience that could be compared with Jesus Christ.[14]

HEAD-QUARTERS WAR-DEPARTMENT,

WHEREAS, Wm H. Leeman has been nominated a Captain in the Army established under the PROVISIONAL CONSTITUTION,

NOW, THEREFORE, In pursuance of the authority vested in Me by said CONSTITUTION, We do hereby Appoint and Commission the said Wm H. Leeman a Captain

Given at the Office of the Secretary of War, this day, Oct 15th, 1859.

John Brown COMMANDER IN CHIEF.

SECRETARY OF WAR.

This commission was issued by John Brown's "Secretary of War" under his "Provisional Government." After the insurrection had been put down, it fell into the hands of Colonel John T. Gibson. Reproduced by courtesy of Mrs. Augustine Jaquelin Todd, granddaughter of Colonel Gibson and a near relative of Colonel Lewis W. Washington, one of the citizens held as "hostages" by the insurrectionists.

bent upon their destruction whilst professing to be apostles of peace.

In order more fully to appreciate the events of the time three illustrative quotations may here be given—one from George Lunt, a Constitutional unionist of Boston who issued an interesting exposition of the causes of the sectional conflict; the second by Professor John W. Burgess, of Columbia University, and the third by Abraham Lincoln. All bear upon John Brown's murderous invasion of the South by way of Maryland. In 1866 Lunt wrote:

"It thus appears that an active and alarming system of aggression against the South was in operation at the North thirty years ago, threatening to excite servile insurrection, to imperil union, to stir up civil war. This fact rests upon testimony which cannot but be considered impartial and conclusive.[15]

If the whole thing [writes Professor Burgess], both as to time, methods, and results, had been planned by his Satanic Majesty himself, it could not have succeeded better in setting the sound conservative movements of the age at naught, and in creating a state of feeling which offered the most capital opportunities for the triumph of political insincerity, radicalism, and rascality over their opposites. No man who is acquainted with the change of feeling which occurred in the South between the 16th of October, 1859, and the 16th day of November of the same year can regard the Harper's Ferry villainy as any other than one of the chiefest crimes of our history.[16]

Finally, there is the perplexity felt by Lincoln when he declared:

If all earthly power were given me, I should not know what to do as to the existing institution. My first impulse would be to free all the slaves, and send them to Liberia—their native land. But a moment's reflection would convince me that whatever of high hope (as I think there is) there may be in this in the long run, its sudden execution is impossible. . . . What then? Free them all and keep them among us as underlings? Is it quite certain that this betters their condition? I think I would not hold one in slavery at any rate; yet the point is not clear enough to me to denounce people upon. What next? Free them and make them politically and socially our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment is not the sole question, if indeed, it is any part of it. A universal feeling, whether well or ill founded, cannot be safely disregarded. We cannot then make them equals.[17]

Like many other Americans seeking a solution of the problem, it seems that Lincoln did not realize that the inexorable pressure of economic laws would alone have forced an end to slavery. As previously indicated, Maryland was on the way to freeing the slaves, and since the majority of the people were opposed to the institution they would have demanded emanci-

pation even if a few landholders had desired to cling longer to a patriarchal inheritance. Another phase of the situation merits attention: an astonishing proportion of the negroes were contented with their lot and regarded their owners with affection. All these things were observed and understood by conservative Northern unionists. These men naturally deplored the fiery recriminations of Toombs, Yancey, and others of the far South, who condemned the entire North for violence when they should have confined their counter attacks to the noisy minority who were setting the Union ablaze.

Another incident of national import pertaining to the political disputes of the day involved the reputation of Roger Brooke Taney, Chief Justice of the United States Supreme Court. In March, 1856, Taney had delivered his historic opinion in regard to Dred Scott. At once a gross misrepresentation of the decision was scattered broadcast over the country, to the effect that the Chief Justice had proclaimed, as a general dictum rather than as a point in law, that negroes had no rights which a white man "is bound to respect."* These misrepresentations were followed by the accusations of Senator Seward, sponsor of the "higher law" doctrine, that Chief Justice Taney —to say nothing of five associate justices—had connived with President Buchanan to bring on a special trial in order to serve political ends. There is now no need to vindicate the integrity of Judge Taney; nor is it, perhaps, necessary to explain the true significance, within the law, of his decision; but it is highly desirable, in order to understand the trend of events, to present these political accusations and record the effect they produced. A few sentences from Senator Seward's accusation is sufficient to show the ugly character of the innuendoes he employed in taking advantage of the temporarily successful effort to blacken the name and reputation of this able jurist. Speaking of the induction into the Presidency of James Buchanan, the man he hoped to succeed or supplant, Senator Seward said:

> The day of inauguration came, the first one, among all the celebrations of that great national pageant, that was to be desecrated by a coalition between the Executive and Judicial departments to undermine the national legislature

*This was a "perversion," said Vickers (U. S. Senate, February 25, 1870)—"a separation of those words from the context which give them a very different sense, and suited the unworthy purpose for which the distortion was made. He was reviewing the history of slavery in the European and civilized nations."

and the liberties of the people. The President, attended by the usual lengthened procession, arrived, and took his seat on the portico. The Supreme Court attended him there, in robes which yet exacted public reverence. . . . The President addressed them in words as bland as those which the worst of all the Roman emperors pronounced when he assumed the purple. He announced (vaguely, indeed, but with self-satisfaction,) the forthcoming extra-judicial exposition of the Constitution, and pledged his submission to it as authoritative and final.[18]

Senator Seward spoke further of a "mock trial" held "in the basement" of the Capitol, with the inference that it had been transferred to such a place as being too disgraceful an affair to bear the light of an upper chamber.

These reckless charges against an honored son of the state led to the calling of a public meeting in Baltimore. Unable to address the gathering Reverdy Johnson wrote from Washington a letter in which he declared that Seward had "evidently from mere party ends subjected" a coördinate branch of the government to

as calumnious an attack as ever dishonored human lips. These are strong terms to apply to a Senator of the United States; but the relation which I held to what is known as the Dred Scott case, and which furnished the pretext for the libel, and the knowledge which this gives me, justifies me in their use. There is not, I know, a word of truth in his direct charges, nor the slightest foundation for the uncharitable and unmanly insinuations in which he indulged.

Johnson then took up the additional misstatements and carefully phrased innuendoes of the Senator, closing with the prediction that the slander upon Taney and the five other justices was

so gross and revolting, that, instead of finding a lodgment in, it cannot but ultimately, if not at once, disgust the public mind.

It should be noted that one year later Chief Justice Taney delivered an opinion upholding the authority of the Federal courts against the defiance of a state. At that time, Sherman M. Booth, of Wisconsin, had aided in the escape of a fugitive slave. Taney's opinion opened with a review of the claim of Wisconsin to set aside at will a judgment of a Federal court and discharge (as it did) a prisoner who had actually been tried and found guilty of an offense against a Federal law. Taney then proceeded:

These propositions are new in the jurisprudence of the United States, as well as of the States; and the supremacy of the State Courts over the Courts of the United States, in cases arising under the Constitution and laws of the United States, is now for the first time asserted and acted upon in the Supreme Court of a State.

To this declaration, the Legislature of Wisconsin replied by the passage of joint resolutions, which concluded

that the several States which formed that instrument [the Federal Constitution] being sovereign and independent, have the unquestionable right to judge of its infractions; and that a positive defiance [on the part] of those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy.

It is a peculiarly difficult matter to preserve a proper sense of proportion in the presentation of the events that were rapidly carrying the states more and more toward open conflict. The problem seems to resolve itself into understanding a series of misunderstandings. We find Abraham Lincoln excoriating the abolitionists as being chiefly responsible for blocking the progress of Constitutional emancipation; we see Lincoln in Congress presenting a fugitive slave bill, while Wendell Phillips denounced the future "Emancipator" as "the slave hound of Illinois," and subsequently called him, as President, the outstanding tyrant of his times. In the narratives of the fiercely partisan 'fifties we read the strident cries of the abolitionist group calling for the dissolution of the Union. In the following decade these original disunionists appear as the supporters of the Federal authority. Lincoln became known as the savior of the Union; yet better recognized representatives of his own party in and out of Congress had insistently declared for dissolution rather than continued partnership with a slave régime. It came to be held that the far South was the hotbed of disunion sentiment; yet for every disunion address made in South Carolina, two to ten were made in Massachusetts—and, it would appear, none at all in Maryland by any person of consequence.*

On February 3, 1860, Governor Gist, of South Carolina, addressed a letter to Governor Hicks of Maryland in which he wrote:

*William Lloyd Garrison aroused the radical reformers with the declaration: "The Union is a lie; the American Union is a sham, an imposture, a covenant with death, an agreement with hell, and it is our business to call for a dissolution. Let the Union be accursed."

I belong to that class of politicians who have been denounced as "fire-eaters," and never for a moment have I desired a dissolution of the Union, if our rights in the Union are respected and our equality recognized. And I solemnly believe the very best way to preserve the Union is, for the Southern States to meet and insist upon their rights, and to act in concert in defending them. If the South were united, they could preserve the Union, and at the same time have their rights respected and recognized. It is because the Southern States have acted with so much jealousy and distrust toward each other, that the North has been able to encroach upon their rights and war upon their institutions. If I desired a dissolution of the Union, and wished to effect it, nothing would please me more than the refusal of the slave-holding States to meet in Convention; for then the North will continue its aggressions, and some of the slave-holding States, goaded to madness, will secede.

Governor Gist, member of the noted Maryland family of that name, had in mind the insistence of the Republican leaders upon the nomination of a candidate for Speaker of the House of Representatives who had shown particular hostility to the South; hence his proposition to hold "a convention of Southern States" to concert measures for political defense. Governor Hicks presented the proposal to the General Assembly, and the duly elected representatives of the people of Maryland replied in a series of resolutions, the tone and purport of which are of sufficient importance to present them here in full, showing that the Marylanders agreed with Governor Gist as to the wrongs complained of but felt the proposed solution would have a tendency not so much to preserve the Union as to precipitate division. Two of these resolutions will serve to illustrate the tenor of the whole reply, and with it the true attitude of the Old Line State:

Resolved, That in the spirit of the patriots of the Revolution, we are willing to exhaust all reasonable means to convince our Northern adversaries that a mutual interest and a mutual patriotism, and a common destiny shall bind us together as brethren rather than sever us as foes, and with this purpose we desire to express to them our deep apprehensions of the threatening prospect of our internal affairs; our remonstrance against the spirit of intolerance and aggression, and our fixed determination to cling to the Union so long as its great principles can be preserved, and the blessings for which it was intended can be secured, but our deep and solemn conviction that the Union must be torn in fragments unless equal rights to all sections of the country are sacredly preserved; we also respectfully, but earnestly, desire to assure our brethren of South Carolina, that should the hour ever arrive when the Union must be dissolved, Maryland will cast her lot with her sister States of the South, and abide their fortune to the fullest extent.

Resolved, That we deem it inexpedient to call a Southern convention in the present excited condition of the country, relying upon the belief that the recent outrages against the South have already awakened the patriotism and

justice of the majority of our Northern brethren, but should this fond hope result in a shameless failure, our earnest protest be disregarded, and the disruption of these States be rendered inevitable, that Maryland will then be prepared to meet her sister States of the South in a Southern Convention for the protection of Southern rights.

In April, 1860, the Democratic National Convention opened at Charleston, South Carolina. No agreement as to candidate or platform could be reached because of the determination of the adherents of Senator Stephen A. Douglas to nominate him only; while opposed to this group there arose an extreme element in the Cotton States demanding the unqualified recognition of slavery in the party platform on the basis of all rights guaranteed under the Constitution, even if Congressional compromises must be set aside. These elements appeared irreconcilable. While the demands of the Southern extremists were based, in the last analysis, on their Constitutional rights, nevertheless it was apparent that modern material progress and the attitude of the Northern people would render a platform plank acknowledging these rights of slaveholders a political policy difficult to defend. Failing to secure their demands a number of the Southern delegates withdrew from the Convention, thus justifying the prediction of Douglas (*supra*), that the continued existence of an unreasonable abolitionist party in the North would create an irreconcilable element in the South. In brief, the delegates at Charleston could not agree upon a candidate and adjourned to meet in Baltimore. In Baltimore the Convention was again split and delegates withdrew. Those who remained nominated Douglas. Those who withdrew nominated John C. Breckenridge. Thus by reason of the Democratic split in July the way was paved for the victory in November of the newly formed Republican party. The "regular" delegates that nominated Douglas continued their meetings in the old Front Street Theater; while the "bolters" held their meetings in the Maryland Institute.

In the meantime another political convention had met in Baltimore. This was the "Constitutional Union" Convention, which gathered at the First Presbyterian Church, then situated on the corner of Fayette and North streets. Those present represented a remarkable group of well-known statesmen from North and South, whose platform declared simply for "the Union, the

Constitution, and the enforcement of the laws." John Bell of Tennessee and Edward Everett of Massachusetts were its nominees.

One week later, the National Republican Convention assembled at Chicago. It represented almost exclusively the Northern states. In the course of the session the party rejected its leading candidate, William H. Seward of New York, and nominated Abraham Lincoln of Illinois. It has been asserted that the Republican party had at this time no supporters in Maryland, but this is a manifest error. Other Southern states lacked Republican personnel, but in Maryland there was an early drift from the standards of the Know-nothing party toward the Republican banner, as the Know-nothing organization began to disappear from the political arena; and this drift became more pronounced as time went on. In Maryland the leading Know-nothing advocate of fusion with the Republican party was Henry Winter Davis, who, in 1859, had declared that he saw "no difference of opinion on public measures, which ought to keep them asunder at the next presidential election." In any event, there was held in Baltimore a Republican state convention. This was first assembled in the Rechabite Hall on April 20, 1860. Its principal figures were Montgomery Blair, chairman; Francis P. Blair, Sr., of Montgomery County, and William L. Marshall, Judge of the Court of Common Pleas.*

This Republican gathering adopted resolutions instructing its delegates to the National Convention to advocate the passage of a plank favoring the plan of colonizing free negroes in some neighboring country, a plan which Lincoln subsequently attempted to carry out during his administration. It was, in effect, a variation of the Liberian colonization programme which had so long engaged the attention and support of the people of Maryland, regardless of party designations. That the Republicans did not, however, have a large following in the state is shown by the fact that Lincoln and Hamilton received but 2,294 votes out of a total of 92,421. Breckenridge and Lane carried the state by a margin of 720 votes over Bell and Everett.

*Judge Marshall had married Robert E. Lee's sister, and their son enlisted in the Federal army. Prior to the second battle at Manassas Junction General Lee wrote humorously to his wife to tell his youngest son, Robert, a private in the Rockbridge Artillery, "to catch Pope for me, and also bring in his cousin Louis Marshall, who, I am told, is on his staff."

The people of Maryland heard the result of the election with comparative calm; but in the far South matters had reached the boiling point, and the predictions of Governor Gist of South Carolina, expressed in his letter to Governor Hicks, were immediately justified by the outcome. Gist had recommended that the South Carolina Legislature remain in session to prepare for the crisis which it was asserted was forced upon the state by the accession to power of a political party many of whose leaders had expressed open hostility to the interests of the South. The legislature at once called for a state convention by which the powers originally ceded to the Federal government were "resumed" by the state.

In the midst of the confusion created by the action of South Carolina, followed by the withdrawal of other Cotton states, the position of Maryland was, for a time, clear. An overwhelming majority of the people were warmly opposed to secession, and they took up this opposition where their representatives not then in session, had left off. By way of illustration, when a handful of partisans of South Carolina unfurled the emblem of that state in Baltimore, the *Exchange,* ardently Southern in its sympathies, declared emphatically: "Most of all do we protest against any enrollment of any portion of our people, no matter how insignificant, under the 'palmetto' banner." Governor Hicks, however was swayed first one way then the other. As previously indicated, Thomas Holliday Hicks was a holdover from the Know-nothing régime of the 'fifties. Apparently he was charting his course with a view to getting on the winning side.

In his earlier statements Hicks used expressions that seemed to exceed the most pronounced utterances of the "fire-eaters" of the far South. From this extreme his views veered to milder assertions, in which he declared that while Maryland must stand or fall with the South, the demands of the people for a meeting of the General Assembly in an effort to bring about settlement through official approval should be ignored for the reason that some hasty action might be taken which would endanger the best interests of the state. From that point he eventually swung with opposite emphasis to the support of the coercive measures which he had previously denounced. Undoubtedly, he had had the support of the people when on the

19th of December, 1860, he had refused to receive *officially* the commissioner appointed by Mississippi to visit Maryland, although, *unofficially* the people were glad to hear what Commissioner Handy had to say at a meeting held at the Maryland Institute. Here the representative of a state having secession under discussion made the following interesting declaration:*

> Secession is not intended to break up the present government, but to perpetuate it. We do not propose to go out by way of breaking up or destroying the Union as our fathers gave it to us; but we go out for the purpose of getting further guarantees and security for our rights—not by a convention of all the Southern States [as proposed by Governor Gist, *supra*], nor by Congressional tricks [compromises] which have failed in times past and will fail again, but our plan is for the Southern States to withdraw from the Union, for the present, to allow amendments to the Constitution to be made, guaranteeing our just rights; and if the Northern States will not make those amendments, by which these rights shall be secured to us, then we must secure them the best way we can.

At this juncture, in a kind of modified support of the Gist proposal, John Pendleton Kennedy, author, Congressman and quondam Secretary of the Navy under Fillmore, brought out a carefully prepared argument advocating a Confederation of border states, *pro tem.,* which should act as an intermediary, or a peacemaking body, between the North and the South.[20] Again, looking at the matter from the fundamentally important economic angle, the Baltimore *American* commented editorially:

> We take refuge in the oft-repeated assertion that Americans cannot be driven into internecine war. If complete reconciliation is not possible, it is still possible to separate peaceably. . . . But supposing there is common sense enough left in the dismembered Republic to avoid a profitless contest and to agree upon terms of peaceable dissolution, there are very grave obstacles in the way of continued friendly relations. It is not probable that a tariff agreeing in all particulars will be in operation North and South. The doctrine of protection has always been an unpopular one in non-manufacturing States. The ground of objections is also perfectly understood, and the complaint that every dollar of revenue derived from this source was indirectly drawn from the Southern consumer has been an argument in favor of actual free trade any time these twenty years. . . . Since 1842 there has been no scheme concocted in connection with this branch of legislation that has not been a cunningly contrived compromise.

*Judge Alexander H. Handy was born in Somerset County, December 25, 1809. He went to Mississippi in 1836. After the war, on finding the Mississippi courts under military jurisdiction and in the lands of the "carpet-bagger" government, he returned for a while to his native state, accepting a position as professor of law in the University of Maryland.[19]

The day before the commissioner from Mississippi spoke in Baltimore, Senator Wade, of Ohio, had declared:

> I do not so much blame the people of the South because I think they have been led to believe that we, to-day the dominant party, who are about to take the reins of government, are their moral foes, and stand ready to trample their institutions under foot.

Nevertheless, his colleagues set themselves to reject any and all compromises offered by the conservatives of either section who still hoped to reunite the states under the Constitution. In particular Maryland's voice was strong for conciliation and union, both in the Senate and the House, but the protests of her representatives went for naught. It is interesting, therefore, to conjecture what influence Maryland would or could have exerted had its legislature been allowed to assemble to give expression to the evident antisecession and anticoercion ideas of the majority of her people. Some such definite official declaration by the state might have restrained the will-to-war spirit significantly set forth by Senator Zachariah Chandler of Michigan, who, when it seemed that agreement might be reached, wrote to Governor Austin Blair under date of February 11, 1861:

> Some of the manufacturing States think that a fight would be awful. Without a little blood-letting, this Union will not, in my estimation, be worth a curse.*

Such were the conditions that Maryland faced in her efforts to support the proposal of Virginia for a peace conference. By this time the Maryland press and people fully realized the gravity of the situation, but, as above indicated, the peace conference was blocked in all its efforts for reconciliation; and its proposals were refused consideration by those in control of Congress.

In the belief that a detailed and more or less chronological description of the numerous efforts by various groups of patriotic Marylanders to restore harmony in national councils would prove wearisome, only the general purport of these efforts is here presented. It is especially worthy of note that the

*On March 15, 1861, Secretary Seward read to Mr. Justice Campbell and others a letter from Thurlow Weed to this effect that "the surrender of Sumter would damage the [Republican] party in the elections."[21]

majority of those who were so earnestly seeking to restore the Union were heartily in favor of having Maryland openly and frankly declare her position. They felt that the people of either section would misunderstand a silent Maryland and hold that she was indifferent to the great problems of the day. They thought that a declaration of definite opposition to extreme measures would have a salutary effect. But Governor Hicks hesitated, temporized, and, at times, contradicted himself; while, during this period of intense anxiety, the people of Maryland held unofficial peace assemblages, one of the most notable being that called on February 18, 1861. Previously, on January 12, 1861, the Baltimore *Sun* had published a significant review, the substance of which should be better known; for there is no doubt that the writer echoed the conservative sentiment of the people who were about to become the vicarious victims of circumstances brought on by the clash of irreconcilable elements. In part, the article reads:

> Shall we at once conclude that the door of reconciliation is closed, the temple of Janus thrown wide open for an indefinite term, and an era of bloody strife inaugurated? Let us accept no such proposition as this. On the contrary, in the very zest of a "sensation," and the intensity of excitement, let us cherish the hope that not even the sudden clash of arms, the boom of cannon, or the shedding of blood shall prove an insurmountable obstacle to the restoration of peace and union. It is only in a positive, and organized process of warfare that hope itself will go out, flickering to the last in the gulf which shall then divide the States. We observe the "prompt alacrity" with which the intelligence from Charleston of the firing upon the *Star of the West* was paraded before the people, with the entirely gratuitous announcement: "THE WAR COMMENCED BY SOUTH CAROLINA." Whether this particular declaration was flashed over the wires from South Carolina, or was tacked on to the news at some way station as a sort of indictment which she was expected to traverse in the premises, does not appear. It proves, however, how very ready somebody is to do injustice, to prejudge upon the slightest and most shadowy pretext, and to excite and exasperate public sentiment.*

The intimation made by the *Sun* that mischief makers were afoot striving to plunge the nation into civil war was further borne out by the report that a conspiracy had been hatched in Baltimore to do violence to Mr. Lincoln and prevent his inauguration. The annalist Scharf, who collected much data concern-

*The *Star of the West* had, on January 9th, been fired upon and driven off in an attempt to carry supplies to Fort Sumter.

ing this episode, strongly intimates that Governor Hicks was *particeps criminis* in the circulation of the report; but whether he purposely helped the cause of these trouble makers or not, he was at least a victim of the misinformation he passed on; for upon a Congressional investigation it was brought out that the Governor had but the flimsiest of reasons upon which to base his indefinite reference to some dark and desperate plan. President-elect Lincoln had left Springfield on February 11th in order to make, prior to his inauguration, a tour through several states. While in Philadelphia he and his advisers, including his personal friend Ward H. Lamon, were warned of the alleged plot. Some years later Lamon took the time to examine the evidence then submitted, and, in his *Life of Abraham Lincoln,* wrote:

> For ten years the author implicitly believed in the reality of the atrocious plot which these spies were supposed to have detected and thwarted; and for ten years he had pleased himself with the reflection that he also had done something to defeat the bloody purpose of the assassins. It was a conviction which could scarcely have been overthrown by evidence less powerful than the detective's weak and contradictory account of his own case. In that account there is literally nothing to sustain the accusation and much to rebut it. It is perfectly manifest that there was no conspiracy—no conspiracy of a hundred, of fifty, of twenty, of three; no definite purpose in the heart of even one man to murder Mr. Lincoln at Baltimore.[22]

In view of this testimony there is little to gain in any way by going into the details of the story of the alleged conspiracy. It is sufficient to say that the circulation of the rumor was an undeserved reflection upon Baltimore and Maryland. Greatly elaborated in the North, it served further to inflame the people; and there were those who rejoiced in the political advantages the rumors provided.*

*Senator Seward had sent his son on to meet Lincoln in Philadelphia to inform him "that about *fifteen thousand men* were organized to prevent his (Lincoln's) passage through Baltimore, and that arrangements were made by these parties to blow up the railroad track, fire the trains, &c."[23] Thereupon, Greeley's New York *Tribune* printed the following reflections upon Maryland and the South: "One section of the country is only semi-civilized. . . . In a society so constituted it is not strange that there should be found many persons who could conceive and execute some diabolical plot of slaughter, sparing neither age, nor sex, nor numbers—such as the destruction of a railroad train—that the death of one man might be compassed in the hope of accomplishing thereby the overthrow of a popular constitutional government. . . . It seems probable that had not Mr. Lincoln resorted to this method of escape, neither he nor any of his party would have ever reached Washington alive."

It is now difficult to realize that there was, or could be, such widespread doubt as to the course of the Federal government in regard to secession. It is necessary to bear in mind the fact that seven states had withdrawn from the Union; that the flag had already "been fired upon" in the attempted reinforcement of Fort Sumter by the *Star of the West;* that months had passed since the secession, under Buchanan, of South Carolina; and that additional weeks had passed without action under the Lincoln administration. This doubt and uncertainty can be fully appreciated only by reading the newspapers of that day, together with private letters and journals. No one could say definitely whether the seceding states would be conciliated and brought back into the Union by peaceful means and under fresh Constitutional guarantees; or if they would be allowed to "depart in peace," as so strikingly advocated by the *Tribune;* or again if they were to be coerced into reunion by Federal power. Undoubtedly, the majority of the people of Maryland heartily favored the first of these courses, earnestly deprecated the second, and were strongly opposed to the last, preferring any policy rather than war with their Southern brethren. From the first they had so opposed the idea of secession that at a time when New York freely welcomed vessels flying the palmetto flag public sentiment in Maryland had not permitted that ensign to float in the harbor of Baltimore. In fine the confusion of political thought and opinion throughout the country is unparalleled in modern history. It extended from the humblest citizens to high authorities in the Federal government. This long-continued era of uncertainty was ended only on April 15, 1861, when the Federal government issued a call to the states to furnish a force of 75,000 volunteers to suppress "unlawful combinations" in the South. At the time the government was cognizant of the opposition in Maryland to this policy and prepared to temporize until it was in a position to dominate the situation and force the state into line behind a programme of compulsion. Although, following the receipt of the news of the fall of Fort Sumter, the appearance of emblems in sympathy with Southern secession had provoked opposition and attack, local opinion turned violently against the call to arms. No recruits could be had in Maryland for any invasion of the South, it was freely

said; and active opposition was proposed to the passage of troops for any such purpose through the city. To Marylanders a union held together by force seemed an intolerable or impossible thing—a new form of tyranny.*

On April 18th the vanguard of the Federal forces arrived in Baltimore, consisting of several hundred Pennsylvania militiamen and two companies of United States artillery. These were safely conducted from Bolton Station through the city under the protection of the police. It is peculiarly significant of the occasion and of popular sentiment that the United States Regulars were not annoyed by jeers or derogatory remarks. It was instinctively appreciated that it was their duty to answer the call of the power that employed them; but, to the local mind, the State volunteers were under no obligation to carry out a policy so repugnant as the proposed invasion of sister States. On the afternoon of the 18th, Governor Hicks arrived in Baltimore and issued a proclamation which is of special interest and importance if we are to understand the subsequent events in the city. In this proclamation, the Governor declared that no troops should be sent from Maryland except for the defense of the national capital, further assuring the people that opportunity would be given them to decide by the ballot whether they were for supporting the war or not.

The following day—the eighty-sixth anniversary of the battle of Lexington—witnessed the first bloodshed of a conflict destined to mark the climax of fifty years of sectional antagonism on economic and political policies. In regard to this event Baltimore has often been misrepresented; for such blame as may justly rest upon the action of a number of its people, on April 19, 1861, should at least be shared by those Federal authorities who should have taken the course recommended by the mayor of the city, a course already successfully pursued in the case of the passage of other troops. In fact a clear understanding of the events of April 19th cannot be had without taking into account the inexplicable blunder involved in a secret change of plans which placed all of the Massachusetts troops in an un-

*From the opposite point of view, this thought was set forth in Greeley's *Tribune*, which at one time regarded a "union held together by bayonets" as utterly impractical and repugnant to American ideals.

necessarily dangerous position, and some of them in an extremely critical one.*

The Sixth Massachusetts reached Philadelphia on the night of the 18th. The men were then notified that they were likely to meet with opposition in Baltimore.

Therefore, Colonel Edward F. Jones, the commanding officer, caused "ammunition to be distributed and arms loaded." He also directed: That the regiment should march through the mile or more of Baltimore streets from station to station in a body; that the men were not to notice insults, abuse, or even the throwing of missiles; that, if they were fired upon, the officers would give the order to fire, not promiscuously, but in the direction of the point of attack. The order, in all its parts, is highly commendatory; unfortunately, in no part was it properly carried out. The first and most serious mistake was in so changing the plan as to prevent efficient self-protection by dividing the regiment into companies, and even parts of companies, for transportation across the city in cars drawn by horses. Such a move seemed to invite attack, if attack were but half intended. This is a condensed statement of the first great blunder. To appreciate the second it is necessary to take the view of the much harassed civil authorities in their earnest attempts at maintaining a position of neutrality until, as they believed, the will of the people should be expressed by the General Assembly or by a convention. That they might be prepared to afford protection to the troops it was essential that the police should know when regiments or companies were due to arrive; also, at what points and in what numbers. On the 19th the Mayor of Baltimore was utterly unable to secure this information in any particular until too late to provide an adequate escort for the soldiers; although frequent attempts by telegraph were made to secure the information from the offices of the railroad company in Philadelphia. This was the second great blunder.

*After the war, Mayor Brown declared that this address of Governor Hicks showed that the latter "had then little idea of the course he himself was soon about to pursue"; but the Governor's position was not unique; the President's Cabinet was divided; and historians may never discover whether the President himself knew of the statement made through Justice Campbell of the United States Supreme Court that the last of a series of promises to evacuate Sumter would be carried out: *viz.*, "Faith as to Sumter fully kept; wait and see." This message was sent out from the office of the Secretary of State as late as April 7.[24]

If the above conditions are borne in mind it is seen that the events that followed were the more or less natural outcome of the mistakes made.

The Massachusetts troops, together with seven unarmed Pennsylvania companies, arrived about noon at the President Street station of the Philadelphia, Wilmington, and Baltimore Railroad. As intimated above, it was then the custom to convey passengers from the Philadelphia, Wilmington, and Baltimore station to that of the Baltimore and Ohio in the railroad coaches, which were drawn through the streets by horses. This arrangement was adopted in lieu of the original plan to march in a body from one station to the other. The route lay along President Street northward to Pratt Street and west for about a mile to Howard Street, and thence to the Camden Street station on the Baltimore and Ohio. Seven companies, in several cars, were conveyed through the city without casualty; but as the troops were being drawn through the city the news of their arrival spread. The casual number of people along the route increased, and measures were taken by a small group to obstruct the street against the passage of the remainder. Near the corner of Gay and Pratt streets a load of sand was seized and dumped upon the track. A few merchants and clerks, aided by negro sailors, dragged anchors from the near-by dock and placed them across the rails. Cobblestones were at hand, which were also hastily piled up on the tracks. One of the transfer cars was stopped by these obstructions, whereupon its driver hitched the horses to the rear and retreated rapidly to the President Street station, turning back other cars as he met them. The troops thus turned back consisted of four companies, numbering about two hundred and twenty men. These forthwith formed at the station, and the order was then given to march forward on foot.

After some preliminary disorder a command to double-quick was given. This was near the Pratt Street bridge; and apparently it was here that the first firing by the soldiers was begun; some accounts say "accidentally," others say "in a desultory manner and wildly," and still others "by command of the officers." As the troops were certainly firing at will when later they were met by Mayor Brown it is probable that they fired "at will" from the first, instead of at a definite command.

The Pratt Street bridge was then undergoing repairs; but

the workmen had gone to dinner, leaving joints, scantling, and saw horses half blocking the bridge. At least one witness declared that stumbling over these obstructions caused the accidental discharge of two muskets. Whether this statement be fact or fiction, it seems certain that the firing of the soldiers became general shortly after the crossing of the bridge. By this time, Mayor Brown, who, with Marshal Kane and a strong police force, had been protecting the troops at the Camden end, had learned that these belated companies were being attacked. Sending word to Marshal Kane to follow, the Mayor hastened alone to the scene of trouble.* Having ordered the removal of obstructions along the route of march he met troops running before the mob just west of the Pratt Street bridge. In an account published in 1887 Mayor Brown makes the unexpected statement that, while "the uproar was furious," the crowd did not seem to be a large one. A more specific statement is made by C. W. Tayleure, in the Boston *Herald* in 1883, that there were only about two hundred and fifty in the attacking party at the first, and that five hundred was the maximum at any stage of the march. Mr. Tayleure was an eyewitness of the fray and was then on the staff of a local paper. Whatever may have been the size of the mob it was now thoroughly angry and was pursuing the soldiers "with shouts and stones," to which the soldiers replied by firing, not so much at those rushing at them from flank or rear, but at bystanders in their front.[26]

Immediately upon his arrival at the scene of conflict, Mayor Brown introduced himself to the captain in command. He at once objected to the double-quick as a movement likely to provoke assault. For a while the presence of the Mayor had a quieting effect; but soon the attack was renewed. At the corner of South and Pratt streets several citizens were killed or wounded. At the corner of Light Street, two squares to the west, a soldier fell mortally wounded, a boy on a vessel in the dock was killed, and the head of the advancing column fired into an apparently unoffending group on the sidewalk with fatal effect.[27] The untrained recruits were evidently irresponsible from fear and shot at all citizens, wherever grouped, as active or potential foes. The soldiers had now reached a point between Light and Charles

*The city officials had accidentally heard of the arrival of troops, and the news came to the Mayor's law office from Camden Station.[25]

streets. Four had been killed and thirty-six wounded. Eleven citizens had been killed, while an indefinite number had been more or less seriously wounded. The passions of the crowd had become thoroughly aroused and a third of the distance to Camden had yet to be covered before the detached companies could join their companions. They were in a critical condition. But effective intervention was now at hand: about forty men, with Marshal Kane at their head, were now seen coming from Camden Station at a run. With revolvers drawn and in good order they quickly placed themselves in the rear of the soldiers and in front of their pursuers, Marshal Kane adding emphasis to the action by shouting: "Keep back, men, or I shoot!" One leading rioter, a young man of excellent reputation in the community, tried to force his way through the line, but the Marshal himself stepped forward and seized him.

The fighting was now over, and, under escort of the police, the troops soon joined their comrades at Camden Station. The blinds of the coaches were ordered closed, and the train started for Washington at about one o'clock amid hisses and groans. But the death record for the day was not yet complete. Robert W. Davis, a well-known merchant of Baltimore, was standing beside the railroad tracks at the edge of the city. As the train passed by, the merchant, expressing the feelings of the times and ignorant of the events in the city, shook his fist at the troops. He was immediately fired upon from a car window and fell forward into a small ditch, shot through and instantly killed.

However much the opinions of the people of Baltimore differed otherwise, all seemed to be agreed on one thing—that no more troops could pass through the city without precipitating more bloodshed. The militia was called out, and Governor Hicks, Mayor Brown, and others addressed a great assemblage in Monument Square. The almost unanimous sentiment of the people was to prevent further bloodshed, or the risk of it, in the streets of Baltimore. The voice of the unconditional unionist was wholly lost in the surging excitement. Governor Hicks declared, in keeping with the generally expressed sentiments of the hour:

> I bow in submission to the people. I am a Marylander; I love my State and I love the Union, but I will suffer my right arm to be torn from my body before I will raise it to strike a sister State.

A dispatch had previously been sent to President Lincoln by Governor Hicks and Mayor Brown to the effect that the state militia had been called out to preserve order; but that no more Federal volunteers should be sent through Baltimore. Subsequently the Mayor sent a special message to President Lincoln by the hands of Hon. Hugh Lennox Bond, George W. Dobbin, and John C. Brune, in which the Mayor declared:

> It is my solemn duty to inform you that it is not possible for more soldiers to pass through Baltimore unless they fight their way at every step. I therefore hope and trust and most earnestly request that no more troops be permitted or ordered by the Government to pass through the city. If they should attempt it, the responsibility for the bloodshed will not rest upon me.

No reply came from Washington until the following day, and as reports were in circulation of the coming of other troops from Harrisburg and Philadelphia, the Governor, the Mayor, and the Police Board decided on a radical step to prevent further conflict. This was to burn the railroad bridges on the roads leading into the city from the north, so that the troops could not, for the time being, at least, enter the city. This was accordingly done; but the Governor, it was noted, retired to Annapolis and left to the city authorities the responsibility of the recent acts. Finally, President Lincoln wrote to Governor Hicks:

> Your letter by Messrs. Bond, Dobbin and Brune is received. I tender you my sincere thanks or your efforts to keep the peace in the trying situation in which you are placed. For the future, troops must be brought here, but I make no point of bringing them through Baltimore.

Not only did representatives of the civil authorities of Baltimore journey to Washington to consult with the President in the day or two following, but delegations of citizens did likewise. In the editorial columns of the *Sun* of April 23d appeared this account of an interview with the President:

> We learn that a delegation from five of the Young Men's Christian Associations of Baltimore, consisting of six members from each, yesterday proceeded to Washington for an interview with the President, the purpose being to intercede with him in behalf of a peaceful policy and to entreat him not to pass troops through Baltimore or Maryland. Rev. Dr. Fuller, of the Baptist Church, accompanied the party by invitation as chairman.
>
> Our informant, however, vouches for what we now write. He states that upon the introduction they were received cordially by Mr. Lincoln, and Dr. Fuller sought to impress upon Mr. Lincoln the vast responsibility of the

position he occupied, and that upon him depended the issues of peace or war:

"But," said Mr. Lincoln, "what am I to do?"

"Why, sir, let the country know that you are disposed to recognize the Independence of the Southern States, and war may be averted."

To which Mr. Lincoln replied: "Then, what is to become of the revenue? I shall have no government—no resources."

Dr. Fuller's apparently patronizing suggestion of an easy way out of the difficulty may now seem strange; but, as heretofore pointed out, issues were by no means clearly joined in April, 1861. J. Morrison Harris, an ardent unionist, was one of a second committee of citizens who waited upon President Lincoln on April 20th. In a paper read before the Maryland Historical Society after the war Mr. Harris stated that

> Salmon P. Chase was present during the discussion at the War Office; and in talking over the conditions of affairs generally expressed to me with much earnestness the opinion that the best way out of the difficulty would be to let the Cotton States go and trust to arrangements of amity and commerce for the preservation of peace and their ultimate return to the Union.

For several days following the combat of the 19th it seemed that Baltimore had well-nigh unanimously joined its fortunes with those of the Confederacy. Southern emblems—which had been frowned upon by all elements for the Union—forthwith began to appear. If immediate official assurances from Washington had not come in to the effect that the troops were designed only for defense of the Capital against attack and not for invasion of the South, it is by no means improbable that Maryland, by reason of her geographical position, would have furnished then and there the arena for a sharp and perhaps decisive struggle. Resolutions passed in mass meeting by the citizens of Baltimore on the evening of April 19th declared that,

> It becomes all good citizens to unite in a common effort to obliterate all party lines which have heretofore unhappily divided us, and to present an unbroken front in the preservation and defense of our interests, our homes and our firesides, to avert the horrors of civil war, and to repel, if need be, any invader who may come to establish a military despotism over us.*

Armed companies were then marching into the city from the counties; but immediate conflict in Maryland was avoided by

*The clash in Baltimore "made a great sensation at the time in Europe as well as here, and some thought that it would mean a rising in Maryland which might affect the issue of war."—James Bryce, in letter to the author, dated Washington, D. C., May 11, 1911.

the action of President Lincoln, who, on Sunday, April 21st, summoned the Mayor of Baltimore to Washington for a consultation. With the Mayor were George W. Dobbin, John C. Brune, and Severn Teackle Wallis. In the course of the conference the President declared that the troops brought through Maryland were not intended for any purpose hostile to the state, or for aggressive measures against the South; but that the troops must be brought through or the capital abandoned.[28] The delegation then took their leave; but, while they were still in Washington, a telegram from John W. Garrett, president of the Baltimore and Ohio Railroad, announced that 3,000 Northern troops were reported at Cockeysville; that they were advancing on Baltimore; and that further bloodshed would follow should they march into the city. The Mayor and his party at once returned to the White House; and the President, in the presence of General Scott and the Baltimoreans, said that the troops should march around Baltimore and not through it. The effect of this announcement cannot be calculated. Had it been otherwise, Baltimore and Maryland must have been plunged at once into the civil conflict—and on the side of the South*

Meanwhile time and general developments were working on the side of the Federal government. Opposition to it meant at least temporary disaster to business; while acquiescence spelled renewal of trade. On May 2d the Corn Exchange made a formal plea for the complete reëstablishment of the lines of trade with the North. Commerce with the South had been suspended; so that the city was truly set between two fires. Those who upheld the coercive measures of the Federal government declared that the interests of the city lay in supporting the Administration. On the other hand, those who opposed the war urged that Maryland should at once ally herself with the other Southern states in that such an attitude would compel the Federal government to offer acceptable terms of reconciliation and readjustment.

*President Lincoln's promises on behalf of the Federal government, and their contrary fulfillment when the government was in a position to force its will left an unfavorable opinion; and this opinion has persisted in Maryland for more than half a century. Further grounds for this attitude may be found in the subsequent Presidential statements as to the course of the government in other matters, particularly the use of force at the polls, concerning which the "War Governor" of Maryland, A. W. Bradford, a vigorous Federalist, took sharp issue with the President (*infra*).

Immediately after the bloodshed in Baltimore renewed pressure had been brought to bear upon Governor Hicks to call a special session of the General Assembly. This time the mercurial executive yielded and issued a call for the Legislature to convene at Annapolis on April 26th. Shortly after the announcement Annapolis was occupied by Federal troops, and the Assembly was directed to convene at Frederick. In the meantime, or on the 24th of April, a special election took place to fill the seats of the Baltimore delegates in the General Assembly declared vacant by the previous Legislature (*supra*). Those elected were Messrs. John C. Brune, Ross Winans, Henry M. Warfield, J. Hanson Thomas, T. Parkin Scott, H. M. Morfit, S. Teackle Wallis, Charles H. Pitts, William G. Harrison, and Lawrence Sangston. These men formed a remarkable delegation of well-known and highly respected citizens, a majority of whom were nominated in this crisis because of their conservative views.

Upon the first full legislative day the Senate approved of an address to the people of Maryland which declared that the Assembly (regardless of the personal wishes or predilections of its members) could not, in accordance with the State Constitution, pass an ordinance of secession. This declaration of their stand within the letter and spirit of the law and against popular pressure cannot but recall the proceedings that marked the first untrammeled exercise of self-government in the Convention and the Assembly of Revolutionary days. The "address" was unanimously adopted by the Senate, and a similar declaration was passed by the House of Delegates by a vote of 53 to 12. In brief, the members of the Assembly, assured of the Constitutional correctness of their position, refused to be swayed by their own feelings or by the pleas and demands of their constituents. They were equally resolute against yielding to Federal threats of the confiscation of their property and the imprisonment of their persons if they raised objections to an arbitrary exercise of military power such as had not been known in America.

Whilst the Administration was promising the deflection of troops coming in from the North, and declaring that they were not intended for purposes of aggression, it was simultaneously making rapid preparations to secure such a firm military control over the state as, effectually and finally, to enable it to disre-

gard all opposition to its plans. Hence, on the night of May 13th, in the midst of a violent thunderstorm, General B. F. Butler took possession of Federal Hill; tradition has it that, having trained some of his guns on the Washington Monument, he orally declared resistance would mean the destruction of the memorial most treasured by the people of the city. Whether this be true or not Butler proved to be no respecter of personal or state rights. For Constitutional guarantees he cared nothing at all. Having established martial law, he asserted he had "captured" the city, and was made a major general in recognition of the achievement. After May 21st the Federal government did not consider that there was further need to send troops around the city; for Maryland was regarded as being safely under military domination, and the next few days saw the first advance from Washington into Virginia. The most noteworthy event preceding the advance into Virginia was the seizure of the telegraph offices and of all the dispatches on file. This was done by direction of the Federal authorities, and the order was enforced throughout the Union. The Brooklyn *Eagle* and the New York *Journal of Commerce* protested against this autocratic procedure; but Greeley's *Tribune* proclaimed the order a master stroke of statesmanship. Free speech in Baltimore was not yet wholly suppressed, and the editor of *The South* declared that this

> outrage committed by the Federal Government yesterday, in the seizure of the telegraph offices and of all the accumulated dispatches, public and private, of the twelve months past, has not its parallel in history. In the mode and manner of its execution it would have done honor to the secret police of Austria or Russia. In the extent of the knowledge which it enables the Government to obtain of the private life, history, and business of every citizen of the country, it surpasses anything that the police of any country has ever contemplated or attempted. . . . Elsewhere we have heard of the correspondence of persons supposed to be in a conspiracy against the Government being seized by special order; here we have the seizure of the correspondence of a nation.*

On May 25th John Merryman, a citizen of Baltimore County, was arrested on a charge of "treason" and for "complicity in the burning of the railroad bridges" on the night of the 19th of April. The following day a writ of *habeas corpus* was

*"The acts of the President since April 15 had been the acts of a Tudor rather than those of a constitutional ruler. . . . The country attorney had assumed the power of a dictator."—Rhodes, *History of the United States,* Vol. III, pp. 441–442.

obtained by his counsel in Baltimore; and since, in another case,[29] the writ had been already disregarded by the Federal military authorities in the state, application was now made directly to the Chief Justice of the Supreme Court of the United States. Realizing the gravity of the occasion, Chief Justice Taney journeyed from the Federal capital to Baltimore to hear the petition with a view to issuing the writ himself, if necessary, to General Cadwalader, at Fort McHenry, where the prisoner had been placed in confinement, directing him to produce in court the person of Mr. Merryman. Hence, in the courtroom of Baltimore, on May 27th and 28th, there followed two of the most dramatic scenes in the history of the Republic. Well past the allotted threescore years and ten, but with his natural force of intellect unabated, the venerable Chief Justice took his stand on the principles of Blackstone, Marshall, and Story, that it was not within the jurisdiction of the executive branch of the government to suspend the most prized safeguard of personal rights and liberties, but that that power was vested in Congress alone. Notwithstanding, General Cadwalader did not honor the writ, pleading military engagements at the Fort. By an aide-de-camp he sent apologies to the Court for not appearing, adding that inasmuch as he had been authorized by the President to suspend *habeas corpus* proceedings, he declined obedience to the order in this instance. Judge George William Brown, then Mayor of Baltimore, who was present on this occasion, has thus described the scene:

> Chief Justice [to the aide-de-camp]—"The commanding officer, then, declines to obey the writ?"
>
> Colonel Lee—"After making that communication, my duty is ended, and I have no further power" (rising and retiring).
>
> Chief Justice—"The Court orders an attachment to issue against George Cadwalader for disobedience to the high writ of the Court, returnable at 12 o'clock to-morrow."

On the morning of May 28, 1861, Judge Taney, leaning on the arm of his grandson, walked slowly through the crowd in front of the courthouse, which silently and with lifted hats made way for him to pass. Entering the courtroom, the Chief Justice took his seat with his customary dignity. He broke the impressive silence that followed by calling the case of John Merryman and asking the Marshal for his return to the writ of at-

tachment. The Marshal stated in reply that he had gone to Fort McHenry for the purpose of serving the writ on General Cadwalader; that he had sent in his name at the outer gate; that the messenger had returned with the reply that there was no answer to send; that he was not permitted to enter the gate, and, therefore, could not serve the writ. The Chief Justice then read from manuscript:

I ordered the attachment of yesterday because upon the face of the return the detention of the prisoner was unlawful upon two grounds:

1. The President, under the Constitution and laws of the United States, cannot suspend the privilege of the writ of *habeas corpus,* nor authorize any military officer to do so.

2. A military officer has no right to arrest and detain a person not subject to the rules and articles of war for an offense against the laws of the United States, except in aid of the judicial authority and subject to its control; and if the party is arrested by the military, it is the duty of the officer to deliver him over immediately to the civil authority, to be dealt with according to law.

I forbore yesterday to state the provisions of the Constitution of the United States which make these principles the fundamental law of the Union, because an oral statement might be misunderstood in some portions of it, and I shall therefore put my opinion in writing, and file it in the office of the clerk of this court in the course of this week.

The importance of the Merryman case overshadowed every other event at this time in state or nation. It was not only a direct and ominous clash between the President of the United States and the Chief Justice of the Supreme Court in the greatest republic in the world, but it was made a test between that which personified law on the one side and that which represented the sudden and unlimited development of military force on the other. After the Court had adjourned a number of citizens went up to the Bench to express their thanks to the aged Chief Justice for thus upholding, in the face of threats of fine or imprisonment, "the heritage of English liberty." Turning to Mayor Brown the Chief Justice remarked solemnly, "Mr. Brown, I am an old man, a very old man; but perhaps I was preserved for this occasion." Benjamin R. Curtis, Jr., biographer of Judge Curtis, former opponent of Taney in the Dred Scott decision, says in reference to the Chief Justice in the Merryman case:

If he had never done anything else that was high, heroic, and important, his noble vindication of the writ of *habeas corpus* and of the dignity and authority of his office against a rash minister of state, who, in the pride of a fancied executive power, came near to the commission of a great crime, will command

the admiration and gratitude of every lover of the constitutional liberty so long as our institutions shall endure.*

In pursuance of a plan developed more fully during the year, of deposing from civil authority in Baltimore all who were not originally and steadfastly in favor of the war measures of the administration, Marshal George P. Kane was put under arrest and placed in confinement in Fort McHenry. On the same day Colonel John R. Kenly of the Maryland Volunteers appeared before the Board of Police Commissioners and read to them an order whereby General Banks had appointed him to take charge of the police department of Baltimore. This order was acceded to by the Board of Police, including the Mayor, who, however, formally denied the authority of General Banks in these proceedings. Thus came into prominent notice one of the most unusual men of his day. Declaring that the duties assigned him were distasteful Kenly shortly afterward resigned from the police service. In explanation of his action, it should here be stated that the arbitrary methods pursued by the military authorities under Generals Butler and Banks were greatly aggravated by the development of a vicious system of spies and informers; it was an enforced association with the latter that was particularly repugnant to a man of such high character and keen sensibilities as Kenly, who, as Chief of the Police Department, would have to receive the reports of these informers, many of whom had been members of the criminal gangs of the preceding decade.†

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*In this instance it was not Secretary Seward but President Lincoln who shouldered the responsibility of suspending the writ. The "crime" referred to was the intended imprisonment of the Chief Justice. Contemporary opinion expressed in the New York *Journal of Commerce* and other conservative papers was eulogistic of the action of the Chief Justice; but the New York *Tribune* referred to the Chief Justice as that "hoary apologist for crime." "The aged jurist knew what peril he might incur, and remarked as he left the house of his son-in-law, James Mason Campbell, that it was likely he should be imprisoned in Fort McHenry before night; but that he was going to court to do his duty."—Bernard C. Stiner, *Life of Roger Brooke Taney,* pp. 490, 500–501. Dr. Steiner adds that Taney's written opinion was sent to Lincoln, "who apparently took no notice of it, a fact which must cause regret as a blemish in the character of the great President."

†In a letter under date of September 16, 1861, Lord Lyons wrote from the British Embassy: "A war has been made, at Baltimore, upon particular articles of dress, particular colors, portraits of Southern leaders, and other supposed symbols of disaffection. The violent measures which have been resorted to, have gone far to establish the fact that Maryland is retained in the Union only by military force. They have undoubtedly increased the dislike of the people to their Northern rulers.[30]

On the other hand there was no question about Kenly's high sense of public duty, his faithfulness to his obligations, and his loyalty to the Union. Of him it may be said that he was willing to serve his country in the spirit of George Washington; namely, without hope of material reward if need arose for service on that basis. Like Washington he gladly gave up his commission and retired to private life when, after years of rending war, peace blessed a divided people. Unlike Washington, however, Kenly was not wealthy, and it was natural and proper for him to accept compensation while actively serving under the Stars and Stripes. The exalted spirit of the man was shown after the war, when he refused a tendered application for a pension on the simple ground that he had but done his duty, which was his privilege; and that he felt he had but made some return to the state and the nation for that which state and nation had done for him.

In this spirit of devotion to duty, John R. Kenly was equaled by those who saw events in a different light. Although at first some warm-blooded young men went South in partisan mood and in a spirit of adventure the great majority of those who crossed the Potomac did so in the fullest realization that they were offering their lives for a cause they regarded as sacred. They were persuaded that this cause was as old as the Constitution or as ancient as the colonies—a cause that they believed might be lost forever in a military despotism. To them the liberty of the individual, the sovereignty of the state, and the American principle of local self-government were at stake. They risked their all and left their homes and families in the hands of political foes or at the mercy of personal enemies. It was a hard choice for these men of Maryland; and, as the roll of those who saw service under the Stars and Bars is read, it is astonishing to note an almost complete roster of the names of the men who gave luster to and fought beneath the folds of the Star-Spangled Banner during the Revolution and in the War of 1812.

On May 24th there gathered in Baltimore a Union Convention, representing fourteen of the twenty-two counties and the city of Baltimore. This Convention, composed of unconditional coercionists, began by denouncing the secession movement; but in this it differed from the previously expressed Union sentiment of Constitutional unionists of Southern sympathies in the intensity of the expressions employed, in endorsing coercion,

and in the fact that it refused to admit that the South had any grievances, Constitutional or otherwise. It asserted that the people of Maryland

> were unalterably determined to defend the Government of the United States, and would support the Government in all legal and constitutional measures which might be necessary to resist the revolutionists; that the intimations made by the majority of the Legislature at its late session—that the people were humiliated or subjugated by the action of the Government—were gratuitous insults to that people.

The Convention went on to declare emphatically that it was absolutely opposed to the formation of political parties on the foundation of the slavery question; and that the matter of the preservation of the Federal Union must not be linked with the abolition of slavery.

The debates of the Maryland Union Convention are not available, but sundry references were made to the current proposal that slavery should be protected in the Southern states by means of an amendment to the Federal Constitution. This amendment had been passed by Congress; by its terms, it forbade any Constitutional legislation that would give the Federal government power to interfere with the domestic institutions of any state. In January, 1861, one of the first acts of the General Assembly was to ratify this amendment; and almost simultaneously the Legislature of Ohio approved it. Though soon rendered futile by the circumstances of war the fact of its passage is of importance.

Under the previous control of the Constitutional unionists of Southern affiliations the Maryland Assembly had under consideration the agreement or promise of the Administration that troops were to be sent through the state solely for the defense of the Federal capital. That was early in 1861. When the General Assembly met in January, 1862, these noncoercion unionists had been supplanted by supporters of a war of coercion. The majority of these, however, were not the extremists of a still later period. It is important, therefore, to bear in mind that these coercion unionists accepted in good faith the Administration's word that the war was being waged exclusively to bring back into the Union the seceded states and that there was no other purpose in view. Therefore, the Maryland Assembly

drafted, in March, 1862, a series of resolutions which, in part, are as follows:*

This war is prosecuted by the Nation with but one object, that, namely, of a restoration of the Union *just as it was* when the rebellion broke out. The rebellious States are to be brought back to their places in the Union, *without change or diminution of their constitutional rights;* in the language of the resolution adopted by both Houses of Congress at its extra session in July last, with remarkable unanimity, this war is declared to be prosecuted *not in any spirit of oppression, or for any purposes of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality and* rights of the several States unimpaired, and that, as soon as those objects are accomplished, the war ought to cease.

Although neglected or ignored in much of the historical treatment of the war period this statement by the Maryland Legislature was the basis of President Lincoln's attitude after the close of the conflict.† The resolutions continue:

The objects and purposes of the war thus impressively declared, are those alone which the Nation can rightfully contemplate in its prosecution; and the moment the object of the war changes from a simple restoration of the Union as known to the Constitution, to something else in conflict with the guarantees of that instrument, from that moment the war itself changes its character.

Earlier in the same year, a delegation of border state representatives in Congress had waited upon the President, among them two Representatives from Maryland: *viz.*, Messrs. Leary and Crisfield, the latter having served in Congress with Lincoln in 1847. The President had sent for the Congressmen to discuss his proposal:

That the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system.

The memorandum of the conversation written out by Representative Crisfield set forth that the President thought that he and the Union cause lay between two fires: the abolitionists, who insisted that the slaves escaping from both loyal and disloyal owners be protected from return to bondage; and the loyal or

*Italicized portions bear upon subsequent events and the position of the President in the matter of reconstruction.

†*Cf. infra,* pp. 557, 568 *et seq.*

unionist slaveholders, whose efforts to support the Union cause were nullified by the action of those military commanders who protected the runaways or actively encouraged desertion. Hence, the President hoped for the passage of the Congressional resolution referred to, which, he thought, would encourage the people of the border slaveholding states to prepare for voluntary emancipation and thus eliminate the dangers from the political backfire threatened by the abolitionists. The memorandum stated further that the President had declared he had made this proposition in good faith, and desired it to be accepted, if at all, voluntarily, and in the same patriotic spirit in which it was made; that emancipation was a subject exclusively under the control of the states and must be adopted or rejected by each for itself; that he did not claim, nor had the government any right to coerce the states for that purpose; that such was no part of his purpose in making this proposition, and he wished this to be clearly understood.

Representative Crisfield had then said to the President that he did not think the people of Maryland looked upon slavery as a permanent institution; that he did not believe they would be reluctant to give it up, if provision were made to meet the loss and they could be rid of the race; but that they did not like to be coerced into emancipation, either directly or indirectly. He thought, before they would consent to consider this proposition, they would require to be informed on these points. Lincoln replied that, unless he was expelled by the act of God or by the Confederate armies, he should occupy the White House for three years, and as long as he remained there Maryland had nothing to fear, either for her institutions or her interests, on the points discussed. Mr. Crisfield then added:

"Mr. President, if what you now say could be heard by the people of Maryland, they would consider your proposition with a much better feeling than, I fear, without it they will be inclined to do." The President replied: "That [the publication of what he had said] will not do; it would force me into a quarrel before the proper time."*

In view of the events that were to shape the course of Maryland during the remaining years of war and reconstruction, it is

*This was followed, in August, by Lincoln's letter to Greeley in which he said: "My paramount object in this struggle is to save the Union, and it is not either to save or to destroy slavery."

now necessary to revert to the election, in November, 1861, of the unconditional unionist Governor of the state, known as the War Governor of Maryland, Augustus Williamson Bradford. Bradford, a native of Harford County, believed that secession was rebellion, and was in favor of restoring the Union by the coercion of the seceded states. He was a large slaveholder and therein presented a striking contrast to many of his nonslaveholding neighbors, who had gone South to fight for the Confederacy. With regard to the causes of the conflict it is significant that neither he nor they had the matter of slavery on their minds when they made their choice of allegiance. The candidate nominated by the Democrats was Benjamin C. Howard; Bradford was the nominee of the Union party. On election day soldiers were stationed at the polls; and the orders of General Dix to the United States Marshal of Maryland and the Provost Marshal of Baltimore were such as to give ample rein to the old Know-nothing element—now active in support of the dominant régime—to use such persuasion upon the opposition as they saw fit. Hundreds of citizens were arrested before the day of the election or before they could reach the polling places. Governor Bradford was declared elected by an overwhelming majority.*

The General Assembly, meeting in December of that year, did not attempt to investigate the charges of election frauds, but confined itself very largely to matters pertaining to the conduct of the war. The Assembly took special cognizance of the meritorious conduct of the gallant Colonel Kenly "for his early, prompt, and distinguished services in the cause of his country"; for, on October 22, 1861, the first Maryland U. S. A. was ordered to reënforce General Stone at Edward's Ferry on the Potomac. They arrived just in time to rescue a part of the force of the unfortunate Colonel Baker, who had met disastrous defeat at Ball's Bluff. A gale was blowing, the river was high, and the current powerful; nevertheless, the men, under Kenly's di-

*The following naïve description of a "peaceful" election was made by Colonel J. W. Geary, dated Point of Rocks, November 8, 1861: "I had detailments from various companies of my regiment [Twenty-eighth Pennsylvania] with proper officers, stationed in Sandy Hook, Petersville, Jefferson, Urbana, New Market, Buckeystown, Frederick City, and other places where the polls were held. Owing to the presence of the troops everything progressed quietly and I am happy to report a Union victory in every place within my jurisdiction."

rections, labored all night to do what troops from other states had refused to attempt. In his report, Colonel Kenly wrote:

> I feel it to be a duty to say that the soldiers of the first Maryland regiment of infantry saved numbers of our army from destruction or capture. I am very proud of that night's work.

Other Marylanders who received special commendation were Captain Purviance of the *St. Lawrence* for his conduct and success in the attack and destruction of the Confederate privateer *Petrel;* Captain Cadwalader Ringgold; and Lieutenant John H. Russell.

On the 5th of March, 1862, the Assembly appropriated $7,000

> for the relief of the families of those belonging to the 6th Regiment of Massachusetts Volunteers, who were killed or disabled by wounds received in the riot of the 19th of April, in Baltimore.

It is interesting to note that, when the bill had been introduced on February 11, 1862, an amendment was offered to the effect that in place of the donation of $7,000 there be inserted "the same sum as has been or may be appropriated by the State of Massachusetts" for the relief of the

> families of the citizens who were killed and wounded at Harper's Ferry by citizens of Massachusetts under John Brown, and also the same sum as has been or may be appropriated by the State of Pennsylvania for the relief of the families of Kennedy and Gorsuch, and of the citizens of Maryland killed in that State by rioters.*

The amendment, however, failed of adoption; and the money for the victims of the riot of April 19th was turned over to Governor Andrew of Massachusetts, who had been named as trustee for its distribution.

During this period the trade of Baltimore and a large part of the state had suffered a great falling off in volume. The military authorities had placed an embargo upon the commerce of Baltimore. Consequently goods were shipped to and from more fortunate centers. On the other hand the Confederates repeatedly cut the line of the Baltimore and Ohio Railroad and interrupted passenger and freight communication with the West.

**Supra,* p. 491.

Later the city of Baltimore began to profit by war contracts and war business; but not to the extent of her Northern rivals, whose trade and manufacturing began to grow by leaps and bounds.

> Socially and industrially [says Professor Fite], the North was more active and prosperous than ever before, for the war and war politics did not subvert these phases of the national life. The output of raw material from the farms, the mines, and the forests was extraordinary; practically all branches of commercial life flourished.[31]

The spring of 1862 saw great activity among the Federal forces in preparation for a second grand advance upon the Confederate capital. It is impossible to follow the Maryland detachments, Federal and Confederate, in any detail without becoming involved in a history of the entire campaign in the East. But because of the interesting series of marches and counter marches which led finally to a face-to-face encounter between the First Maryland Regiment, U. S. A., and the First Maryland, C. S. A., some description of at least a part of the campaign in the Valley of Virginia is peculiarly appropriate. It has been said that in no other battle of the American war did a regiment from any other state engage with the corresponding regiment from the same state on the opposite side. The First Maryland, U. S. A., was commanded by Colonel John R. Kenly of Baltimore; and in Colonel Bradley T. Johnson of Frederick, commander of the First Maryland, C. S. A., he met a worthy antagonist. Both could not win, but Johnson's men were part of the army commanded by the redoubtable "Stonewall" Jackson, whose superior genius for war was in itself worth several regiments. Immediately opposed by Jackson in the campaign about to be described was General N. P. Banks, a so-called "political general," who, during the preceding year, had become unfavorably known to thousands of Baltimoreans. Banks therefore was Kenly's superior officer; and insomuch was Kenly handicapped. Otherwise, in equipment, arms, numbers, and all supplies necessary to war, a decided advantage lay with the Federals.

On May 22, 1862, General Banks, with the bulk of his army, was at Strasburg. To Kenly and his men had been given the task of holding the strategic post at Front Royal, twelve miles to the east. In Washington there was the utmost confidence that the

end of the rebellion was near. Even the recruiting offices were closed in anticipation of the crushing victory that a few days must bring; and President Lincoln had left for Fredericksburg to be near the battle lines when the armies closed in for what was believed to be their last great grapple. On the night of May 22d, however, a small Confederate army lay asleep within a few miles of Banks and Kenly. Here was a battle cloud no bigger than a man's hand, but it was to develop into a storm destined to clear the valley of Federal troops and ultimately wreck at Richmond the best equipped and most powerful army that had ever been gathered on American soil. To Banks at Strasburg, however, the morning of May 23d dawned with no signs of impending danger; and the former Congressman was fully persuaded that Jackson, if moving at all, "was retreating rather than advancing." In fact, by means of a forced and circuitous march of sixty miles in four days, Jackson had led even his own men to believe that he was moving away from Banks and was about to abandon the valley to the invader. The day was intensely hot, and, to Kenly's men at Front Royal, camp life seemed drowsy and dull. But suddenly, about three o'clock in the afternoon, a line of gray burst from the dense woods with bugle call, followed by the rebel yell and the rattle of musketry. It was the charge of the southern contingent of the now divided Maryland Line—the First Confederate Regiment against the First Federal. To Colonel Bradley T. Johnson had been especially given the command of the detachment that was to take issue with their fellow Marylanders, and the men had welcomed with shouts of approval the news of the day's commission. Like a bolt from a clear sky they charged the Federal pickets and the companies in Front Royal, driving them back upon the main body of Kenly's command, where the long roll of drums called to arms the Federals, who were quickly drawn up on a high ridge to meet the assault.

To make the attack, the Confederates had to cross an open space in front of the ridge, where their advance was for the time effectively checked by Kenly's artillery. To this, Johnson's infantry and antiquated smooth-bore cannon could not reply, and it was some time before the Confederates could bring up a battery capable of effective attack. When, however, it finally arrived and opened fire, the men were ordered forward, while a

Louisiana regiment was sent along the line of the railway to outflank the Federal batteries. The Maryland Federals, reenforced by a squadron of New York Cavalry, were making a gallant stand when word came to Kenly that Confederate cavalry had appeared to his right and rear. Thus, after stubbornly fighting for an hour and a half, he now gave the command to retire. The movement was carried out in good order, with threatening front to the advancing Confederates, while the camp supplies and equipment were given over to the flames. The Marylanders, pursued by other Marylanders, attempted to fire the bridges behind them. In this they were only partially successful. The bridge over the north fork of the Shenandoah was saved from destruction by the reckless onrush of the Southerners, who plunged through the flames. Sufficient damage was done, however, to render further progress difficult, while Kenly took a new position on a hill with his batteries commanding the stream and the bridge. Jackson himself was now upon the scene, and through the smoke of the burning camp he directed the movements of the cavalry in an effort to find a practicable fording place. The river soon swarmed with horsemen, four squadrons of whom gained the farther bank and formed rapidly for pursuit. As soon as this flank crossing was effected by the Confederates, Kenly retreated to Cedarville. Here he ordered his infantry to check the pursuit. Scarcely, however, had the column halted when there was a rattle of pistol shots and the thunder of galloping horsemen. Riding for their lives came the New York troopers, dashing into the ranks of the infantry, with Confederate cavalry in immediate pursuit. The latter had been ordered forward by Jackson without waiting either for reinforcements or for the artillery. The leading squadron had made better time along the pike. It was charging four abreast. Upon it Kenly turned a volley at close range; the foremost files were mowed down, and the attack was temporarily checked. But, coming through the fields on either side of the road, leaping the rail fences, were other squadrons commanded by Flournoy. They were not to be denied, and the end came quickly. Kenly, calling upon his men to rally around the colors, was badly cut in the head by a Confederate private and forced to surrender. A fresh Confederate squadron now appeared, and the Federals retreated in disorganized flight. Through fields and orchards

the Federals scattered; but escape was practically impossible, and 600 officers and men, with a whole section of artillery, were captured in the conflict.

Just prior to this disaster, General Banks had sent a dispatch to Secretary Stanton that since there was no immediate prospect of active service in the Shenandoah Valley, he greatly desired to exercise his forces in driving the rebels out of the Piedmont section of Virginia. The affair at Front Royal, however, rapidly changed his ideas whilst Jackson's infantry and cavalry pursued the Federals as far as Martinsburg in one direction and Charles Town in another. At the latter place he detached General George H. Steuart and the First Maryland with two batteries to make a demonstration upon Harper's Ferry in order to increase the alarm at Washington in the attempt to disarrange McClellan's plans in front of Richmond. Although General Banks had reported that his command "had accomplished a premeditated march of near sixty miles in the face of the enemy," Secretary Stanton wired to each of the Union Governors to "forward all the troops that you can immediately. Banks completely routed . . . the enemy, in great force, are advancing on Washington."

The First Maryland, C. S. A., was part of the rear guard of Jackson's small army as he now rapidly retreated up the valley to avoid being crushed between the divisions of Shields, Ord, and Frémont. To General Charles H. Winder was assigned the difficult task of saving the Stonewall Brigade, which was far down the valley. To other Maryland officers fell highly responsible tasks under Jackson's more immediate directions; and thereafter, in one of the most brilliant campaigns of the war, the Marylanders were in the forefront of battle.*

At this point it is desirable to introduce the story of the first ironclad in action, in view of the fact that the command of this vessel fell to a son of Maryland. This was Captain Franklin Buchanan, who, in 1845, had been appointed the first superintendent of the United States Naval Academy. In 1847, at his own request he was detached for active naval duty in the war with Mexico. In 1853 he was the first American officer to set foot upon the soil of Japan in the historic expedition which was,

*The history of the Maryland regiment [wrote General Ewell in his official report] would be the history of every action from Front Royal to Cross Keys.

within a half century, to transform the island empire from a medieval status to a modern world power of the first rank. Upon hearing the news of the bloodshed on the streets of Baltimore, April 19th, Buchanan, then Commandant of the Navy Yard at Washington, resigned his commission in the belief that his native state would withdraw from the Union. In so doing he illustrated the high sense of honor which characterized the officers in the service of the army and navy. The action of these Southerners, as well as the status of the cause they espoused, is unique in world history; had the processes of division begun on the accustomed basis of armed conflict, these men would doubtless have used their official power and personal influence to take out with them such arms, supplies, or vessels as they could control on behalf of the cause which they were about to support.[32] Buchanan's case merits extended attention, as an illustration of state versus Federal obligation; for when he learned that Maryland had not seceded subsequently to the clash of April 19th and that sectional differences might be, after all, amicably settled, he again wrote to the Navy Department. In this letter, he requested that his resignation, if not already acted upon, should be withdrawn. Both of Captain Buchanan's letters were ignored by the Navy Department, and he was formally dismissed from the service.[33]

When the Federal forces had hastily abandoned Norfolk in 1861, they sank the wooden frigate *Merrimac.* The Confederates, however, succeeded in raising the hulk and turned it into an armored fighting ship by covering it with iron plates fashioned, in part, from railroad rails. On March 8, 1862, Captain Buchanan boldly ran this unwieldy and untried craft into the midst of the Federal fleet at Fortress Monroe. Here, with an armament of ten guns of varying size, he faced the fire of a Federal fleet commanding more than three hundred guns. In a short time the strange craft had destroyed the *Cumberland* and the *Congress* and had driven ashore the *Minnesota,* the *St. Lawrence,* and the *Roanoke.* Both the first-named vessels sustained the best traditions of the American navy, and the crew of the *Cumberland* continued to fire her guns up to the point of sinking; but the shot and shell of all of them did little damage to the ironclad, which, under Buchanan's cool leadership, dared to attempt what had never been done before. The *Virginia* then

retired with the intention of replenishing its ammunition and of completing the destruction of the Federal fleet the following day. Buchanan, however, was severely wounded while, under a flag of truce, he was directing the rescue of some of the crew of the *Congress*. The shooting, which inflicted several casualties upon the rescuing party, came from Federal troops on the shore, presumably through mistake. In consequence of this mishap Captain Buchanan was not in command when, on the following day, the *Virginia* engaged in its historic clash with the *Monitor*.*

The battles around Richmond were followed by the defeat of Pope in the second great conflict near Manassas, whereupon ensued the first incursion of the Confederate armies into Maryland. Early in the summer of 1862, the First Maryland C. S. A. was ordered to Charlottesville, to recruit its ranks, which had been depleted by fighting and hardships. At Gordonsville, on August 17th, it was mustered out with a view to definitely organizing a Maryland Line, to be composed of infantry, artillery, and cavalry. Because of mishaps and difficulties, however, this purpose was but partly carried out; so that, in the course of the war, some twenty-odd thousand Marylanders fought in the Confederate service in companies and regiments the personnel of which was credited to other states, from Virginia to Texas.[34]

Returning to the Presidential proclamation calling for 75,000 men, Lincoln wrote to Governor Hicks designating four regiments of 780 men each as the quota of the state. The Governor replied, on the 20th of April, that he "thought it prudent to decline responding affirmatively to the requisition." From the Federal point of view this was probably, at that time, a wise decision; for the sentiment against coercion was overwhelming. Those who longed for prompt enrollment were, like their Confederate neighbors, compelled to go outside the state to enlist,

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*Whether Buchanan's absence was felt in the maneuvering against the *Monitor* no one, of course, may positively say; but, contrary to average belief, including the writings of admirals in the United States navy, the *Monitor* did not defeat the *Virginia*. The former, after the wounding of its commander, retreated into shallow water, where the heavier vessel could not follow. Subsequently, pursuant to orders from Washington, the *Monitor*, under the shelter of the guns of Fortress Monroe, twice refused the challenge of her antagonist. By way of commentary on the sharp divisions of the sectional conflict, especially in the border states, it is interesting to note that Captain Franklin Buchanan's brother, McKean Buchanan, was then acting as Paymaster, U. S. N., on board the sunken *Congress*.

the latter going to Richmond or near-by points in Virginia, while the former went to Washington or even to Philadelphia.[35]

Some days after the call for volunteers, the Federal government offered to James Cooper, of Frederick, the rank of a brigadier general on condition that he should assume the responsibility of raising a brigade within the state. The offer was accepted, and Cooper set about recruiting and organizing his command. The First Maryland Regiment was mustered into service, of which John R. Kenly was appointed colonel and Nathan T. Dushane, lieutenant colonel. But recruiting went on very slowly, and the Second Maryland Regiment was not completed until late in September. Subsequently other regiments and special companies were recruited; but, as in the case of the Confederate volunteers, space forbids any detailed mention of all detachments, likewise a complete narrative of the services rendered, except where special distinction was achieved by individual Marylanders, particularly in the campaigns that directly concerned the control of the state.

The day preceding that which saw the opposing Maryland regiments fighting their memorable duel at Front Royal the Department of North Carolina (Federal) was bestowing high commendation upon Lieutenant Colonel J. Eugene Duryea of the Second Maryland Regiment, U. S. A., for his remarkable march of sixty miles in seventy-two hours through deep mud and in the midst of heavy rains, all in the face of a determined foe. Duryea was under the command of General Burnside; and when that officer and his army were called upon to reënforce General Pope, the Second Maryland returned to Virginia and rendered creditable service at the second battle of Bull Run. The Third Maryland Regiment, under Colonel De Witt, was engaged in the battle of Cedar Mountain on the 9th of August. Subsequently, at Antietam, they suffered casualties amounting to one third of their number. Early in the war the First Maryland Cavalry, under Lieutenant Colonel A. G. Millerand, was incorporated with General Franz Sigel's army corps in the Valley of Virginia. They were a chief dependence of Sigel's German cavalry, who were, at first, so badly trained that it was officially reported in the Confederacy that many of the men had to be strapped to their horses to prevent them from falling off. In any event, the Southerners, "born and bred in the saddle,"

captured great numbers whenever they came in contact with them—all of which made the duties and responsibilties of the Maryland contingent the more difficult and onerous. Colonel William P. Maulsby's regiment, with the Potomac Brigade and Colonel Schley's Purnell Legion, were originally organized as Home Guards, not to be called upon to go beyond the limits of the state. As the war progressed special battalions were organized in Baltimore for artillery service, the first under the command of Major E. R. Petherbridge. Special batteries also were enlisted and equipped. Battery B, recruited in Cecil County, engaged in a warm artillery duel with the First Maryland Artillery Company, C. S. A. This encounter took place at New Bridge on the Chickahominy and presented another instance where Maryland units were directly opposed to each other. The recital of the organization of fresh Federal units during this period of the war would be incomplete without a statement of the return to service of Colonel John R. Kenly, who had been formally declared exchanged on August 15, 1862. Thereupon Kenly was awarded a commission as brigadier general for his "gallant conduct at Front Royal"; and in September of the same year Major General Halleck directed him "to organize and command a brigade of new troops."

Meanwhile the political situation in Maryland recalls the maxim that when a civilian is given military authority he is likely to use that authority more harshly than a trained soldier. This has already been seen in the contrast between the "political generals" in command in Maryland and those of the old army; as, for example, Generals Banks and Butler, civilians, whose conduct may be contrasted with that of Cadwalader and Kenly; while, later on, Generals Wallace and Schenck, civilians, and John E. Wool, a veteran of two wars, furnish another sharp contrast—albeit General Wallace had seen some military service in Mexico. In July, 1862, civilian loyalists demanded that all the citizens of Baltimore be required to take an iron-bound oath of loyalty to the Federal government, which included a statement repudiating all sympathy with the South. General John E. Wool rejected the demand, asserting that such action would further alienate the people and that thousands of men would at once go South "to swell the army of Jefferson Davis."

As it was, conditions in Maryland had reached a point where military tyranny had attained Russia-like proportions. Unconditional Unionists privately condemned the harsher measures as enough to make the people hate the government. Many of these acts were committed under the orders of commanders who had apparently been rendered fanatically hostile by the wholesale misrepresentations which they had, for a generation, been hearing concerning the people of the South. And then, again, the turmoil of war in a representative democracy brought to the surface unworthy characters who sought and obtained positions of authority which enabled them to pose as patriots in the matter of suppressing treason, when what they really sought was profitable employment behind the battle lines. Such adventurers were not, of course, representative either of the Northern people or of the Federal cause. Unfortunately, only a few of these were punished, one being a particularly offensive provost marshal of Baltimore who was compelled to serve a term in the Albany penitentiary. The scars left by these crimes, committed in the name of the Union, were far more lasting than those inflicted in the course of actual warfare. It has been said that the people of Baltimore suffered most; but in the counties there were many atrocious acts done by a similar element. After the suspension of the writ of *habeas corpus,* several judges were thrown into prison.

> On May 25, 1862 [wrote George William Brown], Judge Carmichael, an honored magistrate, while sitting in his court in Easton, was, by the provost marshal and his deputies, assisted by a body of military sent from Baltimore, beaten, and dragged bleeding from the bench, and then imprisoned, because he had on a previous occasion delivered a charge to the grand jury directing them to inquire into certain illegal acts and to indict the offenders. His imprisonment in Forts McHenry, Lafayette, and Delaware, lasted more than six months. On December 4, 1862, he was released without charges being preferred or trial granted.*[36]

After the defeat of General Pope at Manassas Lee and Jackson had crossed the Potomac; and many "exiled sons" once more trod the soil of their native state. On the 6th of September the Army of Northern Virginia entered Frederick. This was the home of Colonel Bradley T. Johnson, who issued a proclamation calling the men of Maryland to the colors of the Con-

Cf. also subsequent orders of Schenck, p. 550, and Wallace, p. 554 *et seq.*

federacy; but recruits did not appear in the numbers that had been anticipated. For this disappointment there were various reasons assigned. It was said that the people of central and western Maryland, particularly those of German stock, were loyal to the Federal government or else indifferent. Many had not cared for the forcing of the issue; they deprecated war; but now that it had come they believed the sooner it was ended the better, and they believed in the superior power of the Federal government. Besides, western Marylanders were beginning to prosper like their Northern neighbors; and the fact that the South was already suffering severely from economic failure was plainly revealed by the condition of her ragged soldiers, many of whom were without shoes, while their supply trains were almost innocent of rations.[37] Certainly the appearance of the Confederates did not inspire confidence in their ultimate success; but they won good will by the sobriety of their behavior, which was in keeping with the terms of General Lee's orders.[38] Apparently, the sole breach of a peaceful entry and sojourn in Frederick of perhaps the most orderly army in history was the act of some citizens who, with the help of a few Confederate soldiers, took advantage of the occasion to damage the office of the Frederick *Examiner*. The offending soldiers were put under arrest.

Upon the occupation of Frederick, General Lee had supposed the Federals would evacuate Harper's Ferry and thus open his line of communication through the Shenandoah Valley. As the Unionists unexpectedly held on it became necessary to dislodge them from this position before undertaking further movements in Maryland or Pennsylvania. With this object in view, General Lee directed Jackson to proceed with his command to Martinsburg, and, after driving the Federals before him, to move upon Harper's Ferry. The divisions of McLaws and Anderson were ordered to seize Maryland Heights on the north side of the Potomac, while Brigadier General Walker was to take possession of Loudoun Heights. Lee and the troops under his immediate command set out for Hagerstown. When he had arrived before Harper's Ferry Jackson promptly put himself in communication with the forces of McLaws and Walker. In the defense of Maryland Heights against the Confederate assault, the First and Third Maryland Home Brigade,

under Colonels Downey and Maulsby and a few companies of the First Maryland Cavalry, performed gallant service. On the 14th a road was cut along the ridge for Kershaw's artillery; and at 2 P. M. four guns opened on Harper's Ferry, and the investment of the place was complete. Subsequently, Miles and White surrendered without a struggle, although any delay at this point was most important. In the meantime General McClellan, who had been recalled to his command, entered Frederick. On the afternoon of the 13th, his advance drove the Confederates out of Middletown. On Sunday the 14th the right of the Federal army, under General Burnside, rested on Middletown, and the left, under General Franklin, on Jefferson. Near Frederick, however, General McClellan had had the supreme good fortune to come into possession of a copy of General Lee's order to D. H. Hill, disclosing the plans of the Confederate forces. Encouraged by this definite information McClellan immediately gave orders for a forward movement. The situation, which had hitherto been menacing to the Federal forces, had now become changed into one of imminent danger to General Lee's immediate command, separated as it was from the divisions under Jackson at Harper's Ferry. To Lee, defeat, with possible annihilation of that part of his army in western Maryland, depended upon the prolongation of Confederate resistance at South Mountain, and the brevity of Federal resistance at Harper's Ferry. The battle of Antietam or Sharpsburg, fought on the soil of Maryland, is a national event; it has been the theme of many volumes, and any account in this narrative would prove but an unworthy condensation. McClellan did not renew his attacks during the next day. Lee was unable to take the aggressive; not only had his losses been severe, but his ammunition supply had become dangerously depleted. Nevertheless, the Confederate commander stood ready to repel any assault which McClellan cared to offer, until his position became untenable.

At Antietam Lee had met McClellan for the second time within the year, and it should be noted that McClellan was the sole Federal commander who at any time inflicted upon the Confederate leader more losses than he received. This in itself reflects unique credit upon a soldier who has been much maligned, in that his faults and failures have been unduly emphasized whilst his ability and achievements have been minimized or

ignored. In his review of the situation, subsequently to the second battle of Bull Run, Bradley T. Johnson pays tribute, as follows, to both Lincoln's wisdom and McClellan's ability.[39]

> The first days of September were laden with anxious forebodings to the leaders of the Union side. The Army of the Potomac had been driven to shelter behind the entrenchments it had constructed in 1861, to protect the Capital from the victorious troops of Johnston and Beauregard. . . . The President of the United States, distracted by grave cares, seems to have been the only one who preserved his faculties and exercised his judgment. His advisers, Stanton and Halleck, dominated by jealousy and hatred of McClellan, had united to destroy him, and during the second battle of Manassas had left him at Alexandria within hearing of Lee's guns, his troops ordered to Pope and himself without even the troop of Cavalry, his customary escort. . . . On the 1st of September, the President sought an interview with General McClellan, who was then absolutely without a command. . . . This picture of the Commander-in-chief of the armies of a great nation interceding with his subordinate, whom he had permitted to be disgraced within the preceding week, to use his personal influence to persuade soldiers to do their duty, is certainly an interesting one. It proves that they knew and feared McClellan's power.[40]

At Antietam Maryland troops on either side were in the thick of the fighting. Thereafter, part of McClellan's army had followed the Confederates in crossing the Potomac from Maryland to Virginia at Shepherdstown. Driving back a Confederate battery the Federals anticipated a triumphant attack upon the rebel rear guard with perhaps disastrous effect upon the morale of the Confederate army. But Stonewall Jackson was there, and, apprehending danger if the Federals were allowed to progress further without sharp resistance he made his plans accordingly. General James J. Archer of Maryland was assigned a prominent position in command of the counter attack. For a while the conflict seemed to hang in the balance, or until Archer made a flank movement to relieve the hard-pressed Pender. After Archer had charged, there commenced, according to General A. P. Hill's account,[41]

> the most terrible slaughter that this war has yet witnessed. The broad surface of the Potomac was blue with floating bodies of our foe. But few escaped to tell the tale.

Archer's attack may be considered a reply in kind to that of the Third Maryland Federal in the battle of Antietam. Under the active command of Lieutenant Colonel Sudsburg that regiment

had been exceptionally successful in driving the Confederates back; and, after heavy losses, it had the honor of resting for the night on ground won from the enemy. The Fifth and Second regiments also distinguished themselves in the battle of the 17th of September. The former was under the command of Major Blumenburg, who was severely wounded, and it lost 42 killed and 142 wounded. The latter, under Lieutenant Colonel Duryea, fought on the left of the Federal line under Burnside, near the stone bridge.[42]

Previously, in accordance with the Act of Congress of July 17, 1862, the President had ordered a draft of 300,000 men, which was to be filled by August 15th. Allegany, Cecil, Kent, and Washington counties were found to have furnished volunteers in excess of their proportions of the quota of the state. In the southern and eastern Maryland counties there had been extensive volunteering; but it was almost wholly on behalf of the Confederate service. Consequently the Federal draft fell heavily on Maryland generally, but particularly on the eastern half. Unlike the provisions of the draft for the World War in 1917, those who were drafted were permitted to engage substitutes, and very shortly "bounty-jumping" became an extensive scandal in the conduct of the war. Substitutes secured prices ranging from $300 to $700 each. Through connivance with corrupt officials these men were able to resell their services almost as frequently as some of the same men had "repeated" in elections of war times and before.

At this time General Wool had mitigated the evils of military domination to such an extent that the vindictive element clamored for his removal from office; the Federal Administration yielded to political pressure; and he was replaced on December 22, 1862, by Major General Robert C. Schenck of Ohio. Schenck was a bitter partisan; and his régime was rendered particularly odious by the blustering energy and arbitrary arrests and persecutions instituted by his provost marshal, William S. Fish. Military trials and imprisonments were conducted by methods which seemed to be definitely calculated to inflict the greatest amount of humiliation. While the author of the brochure entitled "State Rights and Minor Parties in Maryland Contrasted" may be regarded as a partial witness, nevertheless, it is well to record that portion of his indictment which is

corroborated by contemporaneous testimony. In the general recital, at least, he was faithful to the truth:

> The authors or agents of these wrongs [he writes] did not pretend to respect the forms of law, nor did they generally condescend to prefer, even informally, any specific charges against those whom they thus thrust into prison. Persons were dragged from their homes upon the mere order of some contemptible underling of the government. The houses of citizens were invaded and ransacked in the search for arms, papers and tags; and oftentimes without even the pretext of an excuse for the outrage being vouchsafed to the occupants. Newspapers were denied the privilege of passing through the mails, and were finally suppressed by the arrest of their editors. Men and women were stopped on the streets and ordered to strip from their persons ribbons or scarfs, of which the colors were obnoxious. Nurses were borne off to the station-house for carrying in their arms babies wearing red and white socks. Free speech became an act of treason, which the government agents punished when they chose; and persons of both sexes and of all ages were over and over again arrested for some casual remark which was disrespectful to the government, and was, therefore, deemed to be "disloyal."

Because of the fact that Federal and Confederate armies passed through Maryland in 1863 it is incumbent briefly to review some aspects of the campaign. Subsequently to the battle of Chancellorsville General Lee found himself in somewhat the same position he had been in during the preceding war, in that it was deemed essential for the Confederate armies to take the offensive. The First Maryland Regiment, C. S. A., which had so distinguished itself at Front Royal and in the subsequent campaign under Jackson, had disbanded in August, 1862. Its term of service had expired, and it was hoped that more regiments or brigades composed wholly of Marylanders would forthwith be formed. This plan, as previously indicated, fell through; but after many of the officers and men of the First Regiment had joined other state organizations some of its original officers organized, at Winchester, Virginia, the Second Maryland Regiment, electing as lieutenant colonel James R. Herbert, afterward badly wounded at Gettysburg. Officers of the regiment, from Major W. W. Goldsborough to the company captains, represented a number of noted names of the historic Maryland Line.

The First Maryland Cavalry, Federal, saw severe service when they were called upon to face General "Jeb" Stuart at Kelly's Ford. In the meantime Brigadier General Kenly had been active and successful in West Virginia and had been offi-

cially thanked for having saved the whole northern section of that state from being overrun by the "rebel Generals, Jones and Imboden."[43]

Upon the news of the approach of the Confederates in the second invasion of Maryland in the summer of 1863, Harper's Ferry was evacuated by the Federal commander; and by the latter part of June Confederate detachments had swept through Maryland from Cumberland on the west, which was occupied a few hours on the 19th, to Rockville on the east. At Westminster, Harry Gilmor, in command of the Second Maryland Cavalry, C. S. A., captured a number of Delaware troopers, pursuing others as far as Pikesville. Shortly before midnight of the 29th Baltimore was aroused by signal bells rung by order of General Schenck, and the whole population seemed to be marching out to defend the outer line of barricades under the conviction that the Confederates were about to attack the city in full force.

But while General Schenck was searching houses in Baltimore and throwing up barricades around the city, the battle lines in Pennsylvania were rapidly approaching each other, to meet, largely by chance, at Gettysburg on July 1st. For three ensuing days the contending forces struggled for the mastery, and conspicuous deeds of valor were contributed by the sons of Maryland, whether they fought under the Stars and Stripes or under the Stars and Bars. Among the former Colonel Maulsby's Potomac Home Guards excelled; among the Confederates, the Second Maryland Regiment. The outstanding features of the battle were Sedgwick's timely march and the stubborn fighting of the Union troops against the dashing charges of a worthy foe. On the Confederate side, there may be noted the slowness or disobedience of Longstreet in responding to Lee's orders and the brilliant but futile assault known as Pickett's charge, in which—despite a widespread illusion to the contrary—General Pickett did not actively figure, for the officers who actually led the charge were Brigadier Generals Armistead, Garnett, and Kemper. Another leader in this historic charge was Major General Isaac R. Trimble, who, with Brigadier General Pettigrew, was severely wounded. Armistead and Garnett were killed; while Major General Sedgwick personally cared for Kemper, who, it was then believed, was mortally wounded.[44]

As at Antietam, General Lee remained on the field for a day following the battle. Again being deficient in war supplies for assaults upon the strong Federal position, he hoped to be given an opportunity to meet any offensive movement General Meade should offer, which he believed he could turn to advantage. Like McClellan, Meade refused the challenge; and again like McClellan, Meade followed Lee cautiously, until the former had recrossed the Potomac.[45]

For reasons still in obscurity, Kenly, the most experienced and apparently the ablest of the Maryland officers on the Federal side, was relieved of active duty at this point and relegated to comparative inactivity. Political motives may have been behind the act; and it is quite possible, after that officer had shown disapproval of the worst features of military tyranny in Maryland, that the violently partisan element at home reported him to the War Department as an officer of doubtful loyalty. In any event, when General Kenly was withdrawn from the front, more than one hundred Federal officers united in a most unusual address, prepared March 25 (Maryland Day), 1864, at Culpeper Court House, Virginia, in which they declared that,

> The undersigned officers, commanding regiments, and others in the first and second brigades, comprising third division, first corps, army of the Potomac, cannot part with you, our late division commander, without first conveying to you the assurance of the friendship, regard and respect for you as a soldier and a gentleman, in the full comprehension of these terms, entertained for you by us, and by the officers and men of our several commands. The experiences and intercourse of more than eight months of active service in the field, furnishing an unerring test of competence and character, of courage and capacity, unite in impressing upon us a feeling of sincere regret at parting with you, the desire to retain a place in your memory, and the cordial prayer that your life may be spared, and your labors in the new field of duty to which you are to be transferred be crowned with eminent usefulness and success.[46]

Although the varied activities of the Maryland units on Virgina soil must be omitted it is desirable to review the circumstances leading to the final incursion of the Confederates across the Potomac in the summer of 1864. The Shenandoah Valley had been deeply penetrated by General David Hunter, who, to the expressed mortification of several of his officers, carried on a ruthless campaign against women and children. Apparently he took especial delight in burning the houses and destroying the property of his own kinspeople. The principal military

President Lincoln, General McClellan, and John W. Garrett; from a Brady photograph taken at McClellan's headquarters after the battle of Antietam. This is a rare reproduction of the original photograph which is in the possession of Mr. Garrett's grandson, John W. Garrett, Baltimore.

objective that had been assigned General Hunter was the destruction of the war supplies and railroad bridges at Lynchburg. Consequently, as Hunter advanced up the valley, General Jubal A. Early was sent by General Lee to protect Lynchburg. Early intercepted Hunter's advance near that town, whereupon the latter commenced a retirement which did not end until he had gone far into West Virginia. Hunter's departure left the valley comparatively free of troops; and at the suggestion of General Lee, Early determined to take his small force of some 12,000 men down the Valley into Maryland. Although Early was not a Stonewall Jackson, he moved swiftly with a force composed of Maryland veterans and others who had well earned the title of "Jackson's foot-cavalry." By the first week in July he had driven General Sigel out of Martinsburg and General Mulligan out of the neighborhood of Leetown, Jefferson County. This latter task Early had assigned to Bradley T. Johnson, now Brigadier General of Cavalry. In the face of the Confederate advance, the Federals evacuated Harper's Ferry and retired to the Maryland Heights. On July 5th, General Johnson, accompanied by the First Maryland Cavalry, the Baltimore Light Artillery, Lieutenant Colonel Harry Gilmor, and the Second Maryland Battalion of Cavalry, crossed the Potomac, followed by the main body of infantry under Generals Early and Breckinridge.

This third invasion of the Confederates was different from any that had preceded. The increasingly destructive character of the warfare instituted by certain of the Federal commanders had aroused in the Confederates a spirit of retaliation. Furthermore, many of the men with General Early hailed from sections of the country in which the houses had been burned, the crops destroyed, and wives and children turned out homeless upon the world. The first indication of a new policy was displayed at Hagerstown, in a border section which was known to have harbored many Virginia loyalist "hangers-on," who came and went as followers of the Federal troops. Consequently Brigadier General John McCausland, in command of the Confederate detachment at Hagerstown, demanded payment of the first of a series of "ransoms" imposed upon Maryland and Pennsylvania towns. McCausland demanded, in addition, all "government stores" and sufficient clothing for 1,500 men. The demand

was made on threat of firing the city. The citizens of Hagerstown raised the necessary money but insisted that they were unable to secure the clothing. Finally, despite his lurid threats, General McCausland signed a receipt to the effect that the city had complied with his requisition as to the cash payment; and since the people had "furnished the specified articles therein mentioned to the utmost of their ability," he forthwith placed "the town under the protection of the Confederate forces."

In the meantime General Johnson's cavalry were active as far east as Frederick. General Wallace, Commander of the Middle Department, in response to numerous calls for help, sent up from Monocacy Junction the Third Maryland Regiment under Colonel Gilpin, a part of Alexander's Baltimore Battery, Colonel Maulsby's Potomac Home Brigade, and Captain Cole's Maryland Cavalry. Their line was drawn up on the west side of the town; and here, on still another occasion, Maryland troops faced each other in battle. Johnson, thoroughly familiar with his own countryside, immediately set about to prepare a series of strategical operations by which he expected to get at the flanks of the Federal forces with a view to surprising and capturing their entire command. He had these movements under way, with, as he insisted, every prospect of winning a notable victory, when the plan was overruled. Thereupon Johnson retired a few miles to the near-by hills on the west. On the evening of the 8th General Wallace, having taken command at Frederick, ordered the evacuation of the town and demanded a ransom of $200,000. In this emergency President Lincoln issued a proclamation calling for the enlistment for 100 days of 29,000 men from the states of New York, Pennsylvania, and Massachusetts; in addition the Sixth and Nineteenth Corps were ordered by General Grant to proceed at once from Virginia to Maryland. When a part of these reënforcements had arrived General Wallace took up a strong position on the east side of the Monocacy River. Thereupon General Early advanced and prepared for action, which began in the afternoon of the 9th. Wallace proved to be no match for Jackson's successor, who had with him, besides Johnson and his Marylanders, the impetuous Colonel John B. Gordon. The Maryland Regiment, U. S. A., and sundry other well-handled regiments, inflicted severe losses upon the Confederates; when,

however, parts of the Federal line gave way, by reason of the skillful disposition and assaults of Gordon's men, the consequent retreat came dangerously near complete disaster for the entire force. The defeat of General Wallace and his rapid retirement toward Baltimore aroused Governor Bradford and Mayor Chapman to make a combined proclamation concerning the defense of the city. Extraordinary excitement was aroused by the appearance of General Wallace with a trainload of wounded. Almost simultaneously the wagon trains of Generals Sigel and Mulligan appeared from the Shenandoah Valley, and the teamsters' stories of the size of the Rebel army lost nothing in the telling. General Early in person led the Confederate advance toward Washington, encamping near Rockville. In the meantime General Johnson had been instructed to destroy communications from Baltimore northward, threaten the city, and sever railroad and wire connections between Baltimore and Washington. In the course of this raid upon railroad lines, a detachment of the Confederates burned the country house of Governor Bradford near Baltimore, in retaliation for the destruction by General Hunter of Governor Letcher's house in Virginia.

But the last Confederate incursion into Maryland was rapidly drawing to a close. While at Cockeysville General Johnson learned of the arrival of large bodies of seasoned troops in Baltimore from the army under General Grant. The news, relayed at once by Johnson to Early, reached the latter before the morning of the 12th, at which time he had made arrangements to make an attack upon the defenses of the Federal capital. Attack would have been exteremely hazardous, at best, for Early's small force; but the dispatch from Johnson caused the Confederate commander to abandon further activities in Maryland and begin a retreat before he should be cut off or overwhelmed.[47]

Whether justified by "war conditions" or not, the election of November 4, 1863, was again marked by military interference at the polls. Ex-Mayor Swann had not relished his pre-war overthrow in the city, which had been brought about in large measure by the element which had Southern affiliations or sympathies. Prior to the election, Swann, following the successful precedent set by Henry Winter Davis, had written to the Federal government (this time to President Lincoln) to assert his

belief that the election would be "attended with undue interference on the part of persons claiming to represent the wishes of the Government." To this the President had replied that he wished "all loyal, qualified voters in Maryland, and elsewhere, to have the undisturbed privilege of voting at elections." At once the word "loyal" was seized upon as broad enough to cover all those who opposed the particular candidate of the dominant party. In any event, upon the day of the receipt of Lincoln's letter, October 27th, General Schenck issued a pronouncement which could have but one meaning: *i. e.,* that of an open threat against all opposition to the candidate who had the endorsement of the military régime.*

Against this invasion of civil rights was raised the voice of Governor Bradford, who, at the risk of his political and private fortunes, warmly opposed this proposed violation of the provisions of the State Constitution and that of the United States. He addressed a letter to the President with respect to rumors that had reached him that the troops would be stationed at the polls, adding that he could not but believe, from the sentiments that the President had expressed to him, that the order of General Schenck was without the President's personal knowledge, and that such interference, either in the presence of the troops or the application of test oaths, would be justly obnoxious to public sentiment. The President, however, supported General Schenck, modifying the order with respect to those who might be subject to arrest. In this emergency, Governor Bradford, as the representative of civil authority, acted as did his fellow Marylander, Chief Justice Taney, who had come in conflict with military dictation in the Merryman case. In brief, the Maryland executive issued a proclamation to the effect that the judges of election were required by law to permit all qualified persons

*It should be stated that not a few of the unconditional Unionists quietly sympathized with the Southern people; albeit they were diligently working on behalf of the Federal government, believing that the quicker the apparently inevitable Federal triumph, the sooner the distress of war would be over and the greater probability that the Union would be restored *"as it was."* Out of respect for the personal sorrow of relatives or friends who sustained losses by death in the Confederate service, some of these Unionists had caused to be published in Baltimore newspapers notices of these deaths. General Wallace warned (June 16, 1864) the editor of the *Gazette,* for example, that the notices were offensive, in that the letters "C. S. A." were conspicuously used in two instances, which would "have a tendency to dignify the Southern rebellion and, to that extent, weaken the respect which the United States Government demands from all its subjects."

to vote, and that the military order, in relation to the elective franchise, was without justification and offensive. Thereupon, General Schenck issued a counter order reinstructing the provost marshals to conform to his original order; so that once more civil authority was forced to bow to military dictation under the protection of the Federal Administration. Subsequently, Governor Bradford, in referring to the election, declared to the General Assembly:

> Abuses commenced even before the opening of the polls. . . . I have caused copies of them to be transmitted to you. They present a humiliating record, such as I had never supposed we should be called upon to read in any State, still less in a loyal one like this. Unless it be, indeed, a fallacy, to suppose that any rights whatever remain in such a State, or that any line whatever marks the limit of Federal power, a bolder stride across that line that power never made even in a Rebel State than it did here on the 4th of last November. A part of the army which a generous people had supplied for a very different purpose, was, on that day, engaged in stifling the freedom of election in a faithful State, intimidating its sworn officers, violating the rights of its loyal citizens, and obstructing the usual channels of communication between them and the Executive.[48]

The first proceeding of the General Assembly of 1864 was to elect ex-Governor Hicks United State Senator. Hicks was then, by appointment of Governor Bradford, filling the vacancy left in the Senate by the death of Senator James Alfred Pearce. President Lincoln had previously offered Hicks an appointment as brigadier general, but the latter had declined. With respect to the position of the people of Maryland numerous misstatements have crept into the works of distinguished historians. Some of these errors amount to a total misapprehension of the attitude of the people of Maryland on both secession and coercion. Others show a lamentable lack of knowledge of facts or of personages. By way of example Dr. James Schouler, a frequent lecturer at the Johns Hopkins University, evidently labored under the impression that Hicks served as Governor of Maryland throughout the war, thus leaving out of his calculations the régime of Governor Bradford, who was the real War Governor.*

*In the sixth volume of his *History of the United States,* Dr. Schouler asserts: "By mid-summer [1861], transit from the North was restored, and troops passed through Baltimore to the nation's capital unmolested. Hicks in the autumn was re-elected governor by a very large majority," etc. Previously, this historian had observed: "Allowance should be made for an executive under such conditions; and of all governors in the border slave States, except Delaware, at this crisis,

A series of acts were passed relative to promoting the objects of the war: such as acts for the encouragement of the enlistment of volunteers, and providing for bounties. The orgy of spending, which had seized upon the Federal Congress in the new régime, seemed also to affect the attitude and actions of the State Legislature. It was an expensive session, over and above the appropriation of $150,000 for a Constitutional convention. In addition contrary to the provisions of the then-existing state Constitution, the Assembly passed a joint resolution appropriating funds to each member for extra expenses. On the 9th of March the Assembly passed a resolution tendering the thanks of the state

to Commander John Rodgers, of Maryland, for his distinguished services during the rebellion, especially in organizing the iron-clad fleet in the western waters; in the attack on Fort Darling; in the heroic attempt on Fort Sumter, under Admiral Dupont and the memorable capture of Atlanta.

Thanks were tendered Captain A. H. Kilty,

for his brilliant services in command of the gunboat *Mound City,* in the fight at Fort Pillow, and in the attack on the batteries at Saint Charles, on the White River.

On the 12th of March Major General Lewis Wallace was appointed to the command of the Eighth Army Corps, Middle Department, replacing Brigadier General Lockwood. The first of a series of interferences with the civil affairs of the state, as proposed by General Wallace, was in connection with the pending election relative to the calling of the Constitutional Convention. In the list of queries officially presented to voters, there was a note explaining that a voter could be disqualified if, at any time, he had "talked in favor of Maryland going with the South." Such a query, if it had been propounded to Senator Hicks, would have disqualified him for the office to which Governor Bradford had appointed him, and in which, by choice of the General Assembly, he hoped to be continued. Again, it was

Hicks was the only one tractable and true, and his record, on the whole, in time of trial, did him lasting honor." In this connection, this "lasting honor" to Hicks, though belated, should be accorded to Bradford! This misstatement concerning the "reëlection" of Hicks is no more astounding than the general misconception in many American histories concerning the attitude of the people of Maryland in the War of Secession or that concerning the part played by province and state in previous contingencies.

the fixed determination of the dominant party to hold the proposed Constitutional convention; hence, many voters who were known to be loyal but against the Convention were disqualified on additional questions outside of the printed list prepared by Governor Bradford. In Baltimore City, out of a voting population of about 40,000, 87 votes were cast against the Constitution compared with 9,189 in favor of it. Consequently the Convention met at Annapolis, April 27, 1864, and drew up a new Constitution. Under its provisions the Governor's salary was raised from $3,000 to $4,000 a year, and his term of office was changed from three to four years. The General Assembly was directed to pass laws requiring the presidents, directors, trustees, or agents of corporations, created or authorized by the laws of this state, teachers or superintendents of the public schools, colleges or other institutions of learning; attorneys at law, jurors, and such other persons as the General Assembly shall from time to time prescribe, to take the oath of allegiance to the United States. This oath was severely restrictive, and it was evident that its framers intended to continue the war party in power by the sweeping disfranchisement of those who had evinced Southern sympathies of any kind.

> Any person declining to take such oath [so ran part of Section 4] shall not be allowed to vote; but the taking of such oath shall not be deemed exclusive evidence of the right of such person to vote.

Provision was made for the abolition of slavery, and the new Constitution was to go into effect on the 1st of November, 1864.

The Convention was in no way authorized to do many of the things it set forth, the very Assembly which had approved of the calling of the Convention having declared its opposition to some of its proposals. Consequently the minority of the members of the Convention issued a protest; and such noted lawyers and unconditional unionists as Reverdy Johnson, William Schley, and Thomas S. Alexander declared that the procedure was a travesty on law and justice. This protest presents a review of contemporary conditions, and the following excerpts are illustrative of its character:

> Many persons were chosen delegates who have never been engaged in such pursuits as would probably direct their attention to subjects connected with

elementary principles of organic law, fitted for the government of a free people for all time—men whose claim to a seat in the body rested entirely on their violent and vociferous support of extreme partisan doctrines, and that persecuting spirit against all who differed from them, which is always the result of great excitement. . . . The slaves, men, women, and children, at one blow, taken from you, manumitted, instantly turned loose without the slightest provision for you or for them. Widows, orphans, the destitute old, and creditors, in many instances, dependent alone on the value of this property, reduced to poverty and want by a remorseless indulgence of a fanatical frenzy which heeds no appeal from helpless infancy or decrepit age.*

Despite the frauds perpetrated all over the state, besides the intimidation and disfranchisement of voters, the new Constitution won only by the counting in of the absent soldiers' vote, which vote was declared to be almost unanimous in the affirmative. In some places a number of "loyal" voters, in actual excess of the negative vote recorded, were prepared to swear that they had voted against the Constitution. Appeal was made to Bradford who had previously sanctioned the taking of the soldier vote; but the Governor replied that he "could not go behind the returns."

Upon the news of the ratification of the Constitution, followed by Governor Bradford's proclamation to that effect, General Wallace, on November 9th, proclaimed the establishment in Maryland of a Freedmen's Bureau—a semi-military, semi-civil organization that, in the South, was soon to prove a prolific source of corruption. Asserting that active efforts to nullify the emancipation provisions of the new Constitution were contemplated by certain obstructionists, General Wallace established a military system to protect emancipated negroes. Provost marshals were directed to hear complaints from negroes; and General Wallace directed that the building of the Mary-

*On the second of September, 1864, Governor Bradford received a letter written jointly by Horace Greeley, Parke Godwin, and Theodore Tilton, New York editors, asking him for his opinion as to whether the interests of the Republican [Union] Party and the country required the substitution of another candidate for Mr. Lincoln. To this letter Governor Bradford answered, "If Mr. Lincoln can *not* be elected, no other candidate presented at this period of the canvass in his place *can*." Shortly after Governor Bradford's reply (September 6th), the New York *Tribune* came out strongly and unequivocally for the reëlection of the President.

"Mr. Lincoln's Proclamation did not affect slavery in Maryland—did not give freedom to the slaves therein—and it has often seemed to me a strange course of events that my father's Proclamation of the State Constitution in 1864 should have been the official notification of the freedom of slavery in Maryland. . . . He, at that very time, was the owner of slaves."—Letter to author from Samuel W. Bradford, February 19, 1922.

land Club should be seized and renamed the Freedmen's Rest. The order further directed that "some excellent lady" be secured

> to take charge of the same as matron, and to suitably prepare and furnish as many rooms as may be required for the purpose proposed. . . . To supply immediate wants, Major Este is further directed to draw on Colonel Woolley. Lest the moneys derived from donations, and from fines collected, should prove insufficient to support the institution in a manner corresponding to its importance, Major Este will proceed to make a list of all the avowed Rebel sympathizers resident in the City of Baltimore, with a view to levying such contributions upon them in aid of the "Freedman's Rest," as may be from time to time required.

Previously General Wallace had issued an order directing the confiscation of all property of every description held by those who had offered aid and comfort to the rebellion by their presence in the Confederate states. All corporations or individuals having a record of the ownership of bonds, stocks, or other revenues were required to forward to the quartermaster

> a written statement verified under oath by the president, and by the secretary or treasurer of such corporation or company, etc., setting forth the names and addresses of all the proprietors or stockholders, or others having now or within the past year, any interest whatsoever in the capital stock, the bonds or other debt, funded or otherwise of such corporation or company, or in the dividends, interest, premiums or other profits whatsoever arising therefrom or from its business, who are, or who since April 19, 1861, have been residents of, or have lived within any of the States now in rebellion, or who now are, or who have been in the rebel army, or in the employment of the rebel government, to the best knowledge and belief of the deponents.

These orders, promulgated with ruthless disregard of all civil, legal, and personal rights, were, however, immediately suspended by direction of President Lincoln, on the application of those unconditional unionists whose advice had weight with the administration.

The National Union Convention had met in Baltimore in June, 1864. This was, in reality, the National Republican Convention, the "Union" name having been suggested in the effort to emphasize the word and to attract prominent war Democrats, especially those from the border states, where the Republican party, as such, had received but scant favor. General Grant, a war Democrat and a slaveholder by right of his Maryland wife, was nominated by the delegates from Missouri; but

the sentiment of the convention was otherwise unanimous for Lincoln as President, while it chose a Democrat for Vice President—Andrew Johnson of Tennessee. As stated by James Ford Rhodes:

> It was entirely in line with the policy of Republicans to nominate War Democrats for important positions, thereby giving significance to the name Union party and strengthening their ticket with the people. Another sentiment unquestionably had influence. The Republicans were still disturbed at the taunt that theirs was a sectional party, that both their candidates in 1860 had come from the North; and here was an opportunity to end that reproach by choosing for Vice-President a man from the South who had done good service for the Union cause.[49]

In April the news of the breaking of the Confederate lines around Petersburg was quickly followed by that of the evacuation of Richmond and the surrender of Lee. Appomattox was recognized by the people as well as by the War Department, as indicating the close of the conflict.[50] All the reports from the South, from the evening of Palm Sunday, the day of the surrender, throughout the first six days of that week led to rejoicing that in some of the churches furnished a strong contrast with the usual proceedings of fasting and penance. Then came Good Friday; and, as if led by some untoward fate, Abraham Lincoln arranged to attend the evening performance at Ford's Theater of *Our American Cousin,* where, by Booth's insensate act, he became the first American President to die by the hand of an assassin. The news of the wounding and death of the War President, following so rapidly upon the tidings of victory and peace, served to accentuate the shock. Thoughtful people everywhere—North and South—recoiled in horror not merely at the revolting nature of the deed but because they instinctively feared the consequences. On the other hand, political partisans, who had regarded Lincoln as the greatest obstacle in the path of their designs, secretly rejoiced whilst publicly indulging in the most extravagant eulogies of the murdered Executive. Thus they blinded the public with a show of patriotic devotion, whilst simultaneously they moved to defeat the policies of restoration which the slain President had under consideration.* The

*Privately, on that same Easter Sunday, Senator Wade exclaimed, in the presence of President Johnson; "By the gods! there will be no trouble now in running the government."[51]

Subsequently to the assassination of the President, John Wilkes Booth, badly

greater the previous antagonism of those who objected to the President's plans while he was living, the more intense were the panegyrics they pronounced upon him after he was dead. Whether it was so intended or not, the taking of the body of the President in an extended funeral procession through Baltimore, Harrisburg, Philadelphia, New York, Albany, Buffalo, Cleveland, Columbus, Indianapolis, Chicago, and other cities, before it was laid to rest almost a month after the assassination, had just the effect upon the minds of the people that the radical element in Congress—the enemies of the President—most desired in firing popular emotion. "And always," says Rhodes, "the desire for vengeance alternated with grief."

Although this work cannot undertake a discussion of national affairs, it will be recalled that President Lincoln had made repeated promises to Marylanders in particular that he would, upon the close of the war, restore the Union "as it was." That he was attempting to do this at the time of his death and that he had taken several steps with that end in view is clearly shown by an examination of letters and other data in the possession* of the daughter of General James Washington Singleton, who, it appears, President Lincoln was employing as his confidential representative in preparing his plans for the reëstablishment of the Southern states with their rights unimpaired by the War of Secession—excepting, of course, the alleged right of withdrawal from the Union.

The contrasts which marked division in Federal councils were reflected in Maryland. Montgomery Blair, the only Marylander chosen for Lincoln's first cabinet, was, like Lincoln, for peace

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injured by his fall on the stage, had fled to southern Maryland, where his broken leg was set by Dr. Samuel A. Mudd of Charles County. Off in a rural district Dr. Mudd had not heard of the assassination when Booth, under the name of Tyler, was attended by him and sent on his way with Herold, his companion in crime. Herold and Booth had reached the home of Dr. Mudd about four o'clock in the morning. Subsequently Dr. Mudd visited Bryantown, where he learned of the murder of the President. Thereupon he told his wife that he suspected "Tyler" and reported his suspicions to the military authorities.[52] Dr. Mudd was declared guilty as an accomplice after the fact, and sentenced to imprisonment for life at Albany, which was changed to Dry Tortugas. Broken in health, after cruel sufferings, he was released some four years after. Generals David Hunter and Lew Wallace, whose connection with Maryland affairs has been set forth above, were among those on the commission appointed to try the conspirators and their alleged accomplices, under the terms of an indictment which accused high officials of the Confederate government of complicity in the plot.

*1929.

and conciliation, with confidence that the defeated Confederates would accept the issue in the spirit of their great leaders. Generals Kenly and Phelps exemplified the spirit of Grant at Appomattox; but there were others in Maryland who were of the political stripe that was now to dominate Congress and further impoverish the South—only in Maryland their rule was of brief duration. Brigadier General W. W. Morris, who had some months before succeeded General Wallace as Commander of the Middle Department, was now supplanted by the latter. General Morris had conducted his office with a reasonableness and discretion that was beginning to have a beneficial effect in reconciling the differences excited by the war, aggravated, as they were, by the tyrannies of previous commanders. Now, in opposition to the expressed desire of his late commander in chief for the prompt return of peace conditions, General Wallace renewed his system of petty persecutions of the alleged disloyal "subjects"* of the Federal government. On April 19, 1865, he took the trouble to issue a formal order against the wearing of gray uniforms by boys attending school, as "offensive to loyal soldiers and citizens." Sometimes Confederate sympathizers invited reprisal. The sister, wife, or fiancée of a "Rebel" would, on occasion, draw away from a passing Federal officer, or leave church when one was shown in her family pew. Although the officer might not resent the act it was sure to be seen by those who would inform the military authorities, whereupon a search squad would be sent to the house of the offender, with unhappy results for those concerned. After the war was over this feeling of antagonism persisted, and the City Council of Baltimore passed resolutions requesting General Wallace to close all churches guilty of "disloyal and unpatriotic purposes."

> Among said churches [ran the remarkable preamble] is the so-called Methodist church, on Franklin and Pine streets; the congregation professing to worship at the Red Men's Hall, Paca street; also the one professing to worship at Winans chapel. . . . These churches are inimical to the loyal and patriotic Christian denomination of Methodists among us, the members of which are enjoying all the immunities of a munificent government, while they, by their unholy sympathies, are engendering a spirit of partisan feeling, demoralizing to society, and in conflict with peace and harmony among our citizens.

**Supra*, p. 550.

General Wallace, however, formally disapproved this recommendation.*

By official proclamation of President Johnson, April 2, 1866, the rebellion was declared at an end. In Maryland, it was necessary for those who had raised themselves to power by force or by fraud to devise desperate expedients to hold that power, now that no further appeals could be made to the office of the provost marshal. If these men could have kept in line certain conservative unionists, all would have been well; but Montgomery Blair, conservative Republican, fired the opening gun which ultimately brought to an end the usurpation of the radical minority. When further restrictions of the franchise were proposed by the General Assembly of 1865 Blair wrote, in terms that could not be misinterpreted, that the intention of the registration act was

> to screen from punishment the lawless men who, under cover of transcendent loyalty, have been the greatest offenders against the cause of the Union.

The first election under the new registration act took place in November, 1865. As far as it offered "free expression to the will of the people," it was, perhaps, the greatest farce in the history of the state. But Montgomery Blair was a man who had been too prominent in the national councils of the dominant party to be disfranchised; and he was too honest and courageous to be intimidated. He had, by this declaration, sounded the trumpet of revolt, and other independent Unionists were soon to follow. In January, 1866, a convention was held in Baltimore with delegates present from the counties. Blair presided and denounced the "issue which radicalism has tendered," in state and nation. Resolutions were passed, and the same were submitted to the General Assembly; but it was hardly expected that those in control would yield their position through weight of argument, especially as Governor Swann had recommended that the registration act should be maintained. Furthermore the radical leaders of the unconditional Union party met and emphatically declared that the political control of the state should remain with them until they themselves should deem it proper

*From their pulpits ministers expounded the theory that God had removed President Lincoln, whose war work was done, in order that men of sterner stuff should punish treason. See also Rhodes, *op. cit.*, Vol. V.

to permit the franchise to be extended. This meeting recorded its cordial endorsement of "the reconstruction policy of Congress," according to the programme of the radical element there; but declared its unalterable opposition to "both rebel suffrage and negro suffrage." The resolutions also contained a warning to Montgomery Blair and such as "should court the favor of traitors."

On October 10th Baltimore again saw the empty form of an election. Only a few years before, the vote in the city—for and against the reform administration of George William Brown—had been about thirty-five thousand. In this election in 1866, it had dwindled to less than eight thousand, and Mayor John Lee Chapman was reëlected. The opportunity now presented itself of making an appeal to Governor Swann, when the Governor evinced sharp disapproval of the course of the radical element in Congress in the beginnings of its effort forcibly to control the South by a combination of aliens, low-class native whites, and freshly enfranchised negroes. Swann now proceeded to complete the movement which had been inaugurated by Blair. The remedy lay in the action of the General Assembly of 1862, which had provided that police commissioners should be removable by the concurrent vote of the two Houses of the General Assembly, or by the Governor during the recess of the Legislature. It was charged—and scarcely denied—that the commissioners, Nicholas L. Wood and Samuel Hindes, had violated the provisions of the Act in appointing partisan police and judges at the recent election and in permitting many and manifest irregularities, as in the refusal of partisan judges to open the ballot boxes and count the ballots in public. Consequently, after due trial, Governor Swann found the Commissioners guilty of the charge brought against them and dismissed them from office, at the same time appointing William Thomas Valiant and James Young to the places thus made vacant.

The radicals were now desperate. Federal interference was suggested; but General Grant, despite a marked tendency on the part of President Johnson to intervene, advised against the presence of troops, even if sent with the best of intentions to maintain order. Compelled, therefore, to fall back on their own resources, they ordered the arrest of the commissioners to-

gether with Sheriff William Thomson, on a warrant issued by Judge Hugh Lennox Bond, of the Criminal Court. Since they were charged with inciting a riot they were entitled to release upon giving bail to keep the peace or answer the charge; but Judge Bond required of them a promise that they should not attempt to assume or carry on the duties of their office. This order of the Court they and their legal advisers deemed wholly unwarranted; they refused to accede, and were remanded to jail. Thereupon their counsel waited upon Hon. James L. Bartol, of the Court of Appeals, and procured a writ of *habeas corpus,* which was made returnable before the judge of the Superior Court. At the time appointed for producing the prisoners, it was stated that the writs had been served, but it was understood that they would not be obeyed. The Court adjourned until November 8th, and the police commissioners were kept confined. In the meantime the radical faction, backed by the organization and a favorable court, remained in power; and the election took place on the 6th of November. Yet, despite the fact that only a minority of the citizens went to the polls the conservatives were returned victorious. On November 8th the commissioners were brought before Judge Bartol, and on the 13th he delivered his decision, which upheld the action of the Governor in their appointment. In a sense, therefore, the city had duplicated the proceedings that had overthrown Mayor Swann and the Know-nothing party in 1860, with Swann, now Governor, acting in the rôle of one of the liberators.

Almost from the beginnings of the colony, throughout the history of the state, Maryland, as every other commonwealth in America, had legislatures that varied from good to bad. It may be safely said, however, that, in Maryland, when great crises were imminent, exceptionally able men were chosen to represent the people of the Province or state in the General Assembly. Such was the case in 1867 when the General Assembly convened on January 2d. This legislature, despite the handicaps under which the members had run for office, represented the views of the conservative Unionists, whether they had Northern or Southern sympathies or affiliations.

The new Assembly turned promptly to the task of abrogating the legislative and political proscriptions passed under the ré-

gime of extremists. Nevertheless, the majority proceeded with caution and in a conciliatory spirit. No attempt was made to right everything at once, and there was in evidence a wise desire to avoid all unnecessary antagonisms. Although Governor Swann was not a member of the majority party in the General Assembly, his message was received by them with favor. Among other things, he boldly denounced "the power attempted to be exercised by the Judge of the Criminal Court" (*supra*), which he "believed to be without precedent, ignoring alike the Great Seal of the State and the limitations governing his judicial functions." Governor Swann favored also the calling of a convention elected by the people, with the object of revising "the war Constitution" of 1864, and he approved of the right of the General Assembly to give to the citizens of Baltimore an immediate opportunity to establish a truly representative government in that city.

After the Assembly had been organized one of the first bills introduced in that body was one reported in the House of Delegates by ex-Governor Philip Francis Thomas to restore full citizenship and the right to vote and hold office, to all persons who may be deprived thereof by the provisions contained in the fourth section of the first Articles of the Constitution of the State." This bill, passed on January 24th, rehabilitated those who had been disfranchised—upon their taking an oath to bear "true faith and allegiance to the United States" and "to support the constitution and laws thereof as the supreme law of the land." Public officials were required to take an additional oath which included a pledge to support an indissoluble Union.

On January 25th Governor Swann was elected by the Assembly to John A. J. Creswell's seat in the United States Senate. However, the leaders of the Democratic-Conservative fusion persuaded Mr. Swann not to accept and thereby give over the gubernatorial office to Lieutenant Governor Christopher C. Cox, on the ground that the latter was a radical and would undo the reforms already begun and prevent further progress.* In addition Swann's break with the radical programme of Congress had rendered it at least doubtful whether that body would admit him. Consequently, at the last minute, Governor Swann

*Under the Constitution of 1864 the office of lieutenant governor had been created.

resigned the senatorship. Despite the bitter attacks of the Union party Swann was subsequently elected to Congress as the representative of the Fourth District. Ex-Governor Phillip Francis Thomas was elected Senator in lieu of Swann; but notwithstanding the approval of the Senate-Judiciary Committee as to his constitutional eligibility the radicals of that body refused to allow him on the floor, and George Vickers of Kent County was chosen and accepted.[58]

The period of readjustment following war conditions brought about a realignment of political forces. In Maryland the processes and effects of the struggle had been such as to make the regularly accepted names of both the great political parties liabilities or even terms of reproach. In the minds of many the Democratic party had become identified with "treason and rebellion," and that point of view was played upon by the opposition in press, pulpit, and forum. For these reasons it was difficult for the unconditional Unionists to vote the straight Democratic ticket. In order to create an amalgamation of the conservative forces, representing Montgomery Blair, on the one side, and Oden Bowie, on the other, the term "Democratic-Conservative" was employed to indicate this fusion. The radical element in control of the Republican organization had so discredited that party in the view of the majority of the people of Maryland that the party itself could not hope for favor in the state if it ran under the name used elsewhere. Consequently it was called the "Union" party, a concession to public opinion which had been previously made by the Republicans in the National Convention held in Baltimore which nominated Lincoln and Johnson. Consequently, in the election of 1866 the parties were officially aligned under the names "Union" and "Conservative," or "Democratic Conservative."

The radical element did not give up without a struggle, particularly as it was well known that Congress was prepared to sanction any form of government in the South which would keep political power out of the hands of those who had formerly exercised control. This was particularly true of Thaddeus Stevens, two of whose lieutenants were Francis Thomas and Henry Winter Davis. In Congress charges were freely made that Governor Swann had been guilty of treasonable alliance with Confederates fresh from rebellion against the country; and that the

safety of loyal men, and especially that of the freedmen, was in imminent danger. Therefore, upon the assembling of Congress, after the elections of 1866, a resolution had been passed in the House of Representatives, on motion of General Schenck, former Commander of the Middle Department (*supra*), instructing the Judiciary Committee to investigate the alleged sale of negro convicts in Maryland. The investigation had scarcely begun when the General Assembly of Maryland especially prohibited such sales.* This in itself would not be a matter of importance, had not considerable partisan testimony been taken by the Committee in secret session, bearing upon the general question of political conditions in the state. In order to give the necessary authority for an inquiry, a resolution passed the House of Representatives on the 21st of January, 1867, directing investigation into the recent Maryland elections for Representatives in Congress, and for other officers, as to whether the laws of Maryland had been violated by the voting of persons who had been disqualified or who were disloyal. With regard to this investigation the Judiciary Committee continued in secret session until the 4th of March, 1867, when the Thirty-ninth Congress expired. The Fortieth Congress met upon the same day, in special session, and ex-Governor Thomas was reappointed upon the Committee. In a speech delivered in the House March 28, 1867, Thomas recommended, in effect, that his own state should now become a military or civil satrapy.†

In the election held April 10, 1867, with the question of calling a Constitutional convention before the people, the advocates of the Convention won by a large majority. Consequently, in accordance with a proclamation of the Governor, the Convention assembled at Annapolis May 8th, and the instrument they prepared was duly ratified. This action aroused Represen-

*This Assembly voted against ratification of the Fourteenth Amendment to the Federal Constitution. Maryland sentiment opposed the Amendment on a number of grounds, not the least of which was its interference with matters which had hitherto pertained to state control.

†Thomas said, in part: "No member of Congress can come here to take his seat without crossing the territory of Maryland, and is it unreasonable to expect that the Congress of the United States, which has expended so much blood and treasure to rescue one section of the Union from the political domination held by those plotting the overthrow of the government, will hesitate to exercise the unquestioned power conferred upon it under the Constitution to rescue Maryland from the hands of persons as thoroughly disloyal and hostile to this government at this moment as are any in the States further South?"

tative Thomas to renew his efforts to secure Federal interference on behalf of the "reconstruction" that had been visited upon the states south of the Potomac; but, as Montgomery Blair had broken up the radical programme in Maryland, so now Thomas found an able antagonist in General Charles E. Phelps, whose loyalty could not be questioned any more than that of the conservative Mr. Blair. When, therefore, Thomas proposed a continuation of the inquiry into Maryland affairs, Phelps was successful in having the resolution amended with a view to making the inquiry of hearings public.

> The attempt [he declared] has been made here and persisted in for more than twelve months, by a secret *ex parte* inquisition,—no voice from that State being allowed to be heard in her defence,—not only to impeach a State of this Union in full relation to the general government, but to put that State upon trial for its life, its independence, its sovereignty, its integrity. . . . I had always supposed that the Constitution of a State of this Union was a document of such authentic character that it proved itself. But it appears that in these days it is regarded as standing upon *parol* evidence, depending on matter *in pais*, and established or overthrown by such partisan testimony as can be drummed up in the interest of a defeated and disappointed political faction.

The passage of the amended resolution practically ended the matter, for the methods of the inquiry could not stand the light. No report ever came from the Congressional Committee in question; and the mass of testimony the Committee had accumulated on the subject of Maryland politics sank into oblivion.

The feeling of relief from war measures and proscription was shown in unprecedented majorities recorded, in subsequent elections, for those who represented the restoration of popular government. In Baltimore R. T. Banks, the Democratic-Conservative candidate for Mayor, was elected by a majority of four to one; and Oden Bowie defeated Judge Hugh Lennox Bond, Union or Republican candidate for Governor, by a majority of three to one. For the first time in the history of the state a General Assembly was elected in which there was no political dissent as to party alignment; for all the members thereof—from Allegany to the farthest county on the Eastern Shore—had been elected with the single purpose of restoring Constitutional government. Patriotic unconditional Unionists were now united with equally patriotic opponents who had fought against state coercion as the knell or negation of liberty.

In January, 1868, what has been called the politically unani-

mous Assembly began the sessions. The fact that all the members of both Houses represented one ticket did not turn out ill, as it might have done under ordinary circumstances or with ordinary legislators. It is the most eloquent testimony to the wisdom and high character of the majority that there was no effort made to gratify personal or factional grievances; and there was no hasty or partisan legislation.

This astonishing restoration of popular government, brought about by the united efforts of men who had so widely differed on the policies that involved sectional conflict, should have marked the end of the bitternesses of war; but partisanship, promoted by extremists on either side, soon came to the front, as differences were promoted by circumstances or design. In any event, this period may be taken to represent the end of an era and the beginning of a new one. The war had made it possible to confer tremendous and undreamed-of power upon the Federal government. To thoughtful people this development overshadowed the abolition of slavery, which was, in reality, an incidental outcome of the armed conflict. The Federal encroachments upon the hitherto unquestioned prerogatives of the states, begun as "Necessary war measures," continued after the struggle was over. Hence the Union was not restored *as it was,** but under the shadow of precedents fraught with danger to the preservation of American principles previously held vital to the life of the Federal system.

Cf. phrase used in the Assembly resolutions of 1862, *supra,* p. 527.

CHAPTER XII

Problems of the Present

No free government or the blessing of liberty can be preserved to any people but by . . . frequent recurrence to fundamental principles.
—George Mason.

During the régime of Professor Herbert B. Adams there was prominently displayed upon the Johns Hopkins *Studies in Historical and Political Science* Freeman's maxim that "History is past politics and politics present history." In recent years, it may be noted that the motto has been banned; for it neglects to take into consideration problems associated with economics and allied subjects.[1] Politics, however, being intimately concerned with government, plays a most important rôle and must be given considerable space; for, after all, the relationship between the government of the states and that of the nation, in conjunction with the relations between both governments and business interests, large and small, involves or includes the principal problems of society.

From the time of the overthrow of the war government to the present day, the political history of Maryland is, with rare exceptions, the story of the behavior, or misbehavior, of the Democratic party. At the beginning of this era, in the reaction against military tyranny and the menace of its continuance, sentiment turned so overwhelmingly against the abuses of minority rule as supported by Federal bayonets that the people veered sharply to the other extreme, where they faced the alternative of a one-party régime. Within a few years, a second reaction developed; so that the state again became, politically speaking, debatable ground; hence, if there should be in Maryland less corruption in the body politic than in some sister commonwealths, it may be due to the fact that a large proportion of her citizens have shown themselves capable of divesting themselves of the ties of party in order to rebuke evildoers. In short, while

political organizations within the state have been, at times, arrogant and corrupt, it may not be fairly said that Maryland has been corrupt and complacent. Because it appears that valuable lessons may be derived from the story of a remarkably persistent effort to secure an honest and efficient administration of popular government, the exposition of this political struggle is presented in considerable detail, supported by names, dates, and other data.

It is necessary to bear in mind that the tendencies of the party or faction in control of the Federal government in Washington had developed strong opposition in Maryland. Many of these tendencies and practices were distinctly repugnant to the political tenets maintained with unusual consistency by the people of Maryland from colonial times to the present. At the close of the sectional conflict, the Left Wing of a comparatively untried political organization was in the saddle at Washington. The titular head of the party in power was at heart a constitutional conservative, if we are to judge Abraham Lincoln by his post-bellum efforts to restore local self-government. Unfortunately, he had fallen just as, unhampered by Congress, he was beginning the processes by which the rights and privileges of the states and of their people were to be put, as nearly as possible, on their ante-bellum basis. Without the authority of Congress, he had called out the engines of war; similarly, he planned to develop the processes of restoration. The platform of 1860 on which Lincoln had been elected had included a plank containing a declaration of state rights which might have been penned by Thomas Jefferson or William Paca.[2] During the armed controversy, however, the Constitution and its civil safeguards had been displaced in the governmental plan of autocratic control. Subsequently, in the midst of the cries for revenge raised by the radicals, the Constitutional restoration Lincoln was attempting to carry out has been forgotten. Even the name of Lincoln's personal representative, who, during his last days, was intimately connected with his plan of reconstruction, is not mentioned in the most extended biographies of the War President.* This has been a lost chapter in the accustomed story of

*Cf. reference to General James Washington Singleton, *supra,* p. 557; New York *Times;* February 5, 1928; *Magazine of American History,* Vol. XXII.

the sectional conflict—perhaps because the results were ordered otherwise; and, more or less naturally, results have formed the story of the period. Yet, in Maryland, the important ideas involved in the Presidential plans were, perhaps, understood better than elsewhere; for Lincoln had been in constant contact with a number of the citizens of the border state. With some exceptions, these were men of moderate or conservative views. A few years after the war, Senator Vickers accurately set forth Lincoln's reconstruction views. This illuminating comment should be better known as possibly the clearest exposition of the Presidential plans recorded in the halls of Congress. In his speech on the Tenure of Office act of March 20, 1869, the Senator from Maryland declared:

> When the war ceased Congress was not in session. The President had a great duty promptly to perform. The southern States were disorganized and in confusion, and his anxiety was that they might be brought practically into the Union as speedily as possible. Believing that the Union had never been dissolved, that these were States in it, and that they had a right to be restored to their proper position in the Government, he endeavored to give them aid and assistance by the appointment of provisional governors and advising and assisting them to recognize and elect Senators and Representatives and be restored to their places in the Senate and House of Representatives. His object was one of peace and of order. He desired to bring the troubles of the nation to a speedy conclusion, and all his efforts, which were of a patriotic nature, had a tendency to produce that result. That was his purpose, and that only. He wished to restore them without impairing any of their constitutional rights. . . . If the policy of the late President of the United States had been adopted by Congress, this Union would have long since been cemented by the return of the southern States.

It is only within the past few years that historical exposition is beginning to take a properly proportionate view of Lincoln's successor, Andrew Johnson. As we have been accustomed to interpreting General George B. McClellan in terms of ineptitude, without giving proper consideration to his peculiar abilities, we have also been taught to regard Johnson as an awkward blunderer customarily disguised in drink. At first, the former Vice President was hailed by the radicals as one of them; but he soon repudiated their programme and advocated conservative or constitutional procedure. Though often tactless in manner and approach, the outcome shows he was right in the conception of his obligations to his country; and he made a courageous effort to end military tyranny and check viciously partisan legis-

lation. At this time even the Supreme Court seemed fearful of acting in accordance with its known opinions; in at least one instance, Congress had passed special legislation designed to prevent a judicial opinion unfavorable to the plans of the dominant faction. Furthermore, Congress proceeded to limit the Court to seven justices in lieu of the accustomed nine.[3] Then came, however, the Executive challenge, and the Court slowly began to function in protection of Constitutional rights.[4] A series of steps toward unlimited centralization was halted by the warning that while, in the opinion of the Court, the Federal government was "an indissoluble Union," it was, likewise, "composed by indestructible States." A third rebuff came from Maryland, whose representatives eloquently reëxpressed the principles formulated by those who had ratified the articles of Union. It was General Charles E. Phelps—in war, a valiant officer in the Federal army; in peace, a valued member of the House of Representatives and, later still, a member of the Supreme Bench of Baltimore—who flung a particularly difficult obstacle in the path of the radicals. This group, termed, in Stephenson's *Life of Lincoln,* the "Vindictives," had hoped to control Maryland and thereby secure that many more subservient Congressmen in Washington. But just as the partisan majority seemed on the point of riveting the chains of subjection General Phelps, from the floor of the House, effectively exposed the attempt to "impeach a State of this Union and put it upon trial for its life, its independence, its sovereignty, and its integrity."*

Although commentators have generally awarded the greatest praise to Senator Ross of Kansas for having furnished the decisive vote against the impeachment of the President, it is proper to record that Maryland made at least a considerable contribution to that result in the energetic action of both of her Senators. Without the prompt procedure that brought about the admission of George Vickers, Senator-elect, together with the active efforts of Senator Reverdy Johnson, who had been a member of the Upper House since 1863, the notable vote of Senator Ross would have been of no avail. Supposedly responsible Senators had given currency to the wildest assertions as to what John-

**Supra,* p. 565.

son purposed doing after Congress had adjourned; and relentless pressure was brought to bear upon the recalcitrant minority of Republican members. By way of illustration, the General Conference of the Methodist Episcopal Church, then in session in Chicago, went so far as to appoint an hour for prayer that Senators would avoid "error"; and it was well known that "error," in the opinion of that body, meant the acquittal of the President.*[5] Because of the rumors as to the President's purposes it seemed necessary privately to reassure certain anti-impeachment Senators reputed to be wavering. One of these was Grimes, of Iowa. It was well known by both sides that a single vote might decide the issue. Consequently, Reverdy Johnson contrived to have the President call at his house when Grimes was there as a guest. The Maryland Senator directed the conversation, and the Iowan went away with first-hand knowledge of the President's real position and purposes. Although stricken with paralysis a few days later, Grimes appeared in his seat on the decisive day, May 16th, and voted against impeachment.†

Subsequently to the rejection of Philip Francis Thomas, the General Assembly had elected, March 6, 1868, George Vickers of Kent.‡ With the impeachment of President Johnson hanging in the balance, an iceboat was sent across the Bay to Chestertown. The Senator-elect was awakened at 3 A. M. and hurried to Baltimore, where a special train took him to Washington. When his credentials were presented Sumner made an unsuccessful attempt to have the matter of his admittance held up in the Judiciary Committee. Hence, in view of the importance of the occasion, the Maryland Senator's journey to Washington may bear comparison with Caesar Rodney's ride to Philadelphia ninety-two years before. Rodney rode to cast his vote for

*Incidentally, Senator Vickers was himself a Methodist. Presumably he knew of these prayers; nevertheless, he, as much as Ross, was responsible for the vindication of the President.

†As the hour for the vote arrived, Senator Grimes was absent. The conservative Fessenden asked for delay. "I saw Mr. Grimes last evening," Senator Fessenden announces, "and he told me that he would certainly be here this morning. It was his intention——" Reverdy Johnson rises from his place. "Will the honorable member permit me to interrupt him for a moment?" he asks. "He is here." *Mr. Fessenden:* "I thought he was not." *Mr. Johnson:* "I have sent for him, he is downstairs. He will be in the chamber in a moment. Here he is." Senator Grimes is brought in, faint and sick. Every Senator is now in his seat—fifty-four of them.[6]

‡*Supra,* p. 563.

the independence of the states as against tyranny from without; Vickers sought to preserve the Constitutional rights of the states when imperiled by tyranny from within. Once more the influence of Maryland had helped to steer the Federal Ship of State away from the whirlpool of centralization on the one side and the rocks of radicalism on the other.*

As against the ironclad oath imposed in 1865, with its list of twenty-five questions designed to disfranchise all voters who were likely to oppose the régime of the party then in power, the Assembly of 1867 substituted a simple test of loyalty to an indissoluble Union. The story of the change would not be complete if at least some of the so-called "exclusive" features of the Registry Law of 1865 be not given by way of comparison and contrast. The last four were:

Have you on any occasion expressed sympathy for the Government of the United States during the rebellion?

During the rebellion, when the armies were engaged in battle, did you wish the success of the armies of the United States or those of the rebels?

Have you voted at all the elections held since the year 1861, and if not, give your reasons?

Have you, in taking the oath or in answering any questions propounded to you, held any mental reservations or used any evasion whatever?

Over and above this formidable questionnaire the judges of election would propound additional queries. The would-be voter was asked if he had disapproved of any of the acts of the Federal administration; and such disapproval, in any particular, was regarded as evidence of disloyalty and a proper cause for disqualification. Under the application of this test, a very large proportion of those who had served the Federal cause most faithfully were subject to disfranchisement if the partisan judges at the polling places so decreed. The law of 1867 on

*Vickers was an indefatigable student; he quoted freely, not only from the founders, but from previous speeches of the opposition members—often to their surprise and confusion. It should be added that, in the General Assembly, a large majority had been in favor of insisting upon seating Thomas. Had this course been pursued, it is certain that the Senate would have continued to exclude him, and President Johnson would have lost that decisive ballot. Thomas was constitutionally eligible; but it was known that he was out of sympathy with the plans of the radicals. Charges of disloyalty were preferred against him; and, while these charges were not sustained by the Judiciary Committee they were made the basis of rejection by the majority of the Senate.[7]

the other hand, granted suffrage to all those taking an oath to "bear true faith and allegiance to the United States," and their promise to "support the Constitution and laws thereof as the supreme law of the land"; public officials were sworn simply to "protect and defend the Union of the United States, and not allow the same to be broken up or dissolved, or the government thereof to be destroyed under any circumstances."

Following the election of 1867 there came for a period of several years the overwhelming domination of the Democratic, or as it was then called, the Democratic-Conservative party. At first the statesmanship displayed under the restoration bore favorable comparison with that which had established the commonwealth approximately one hundred years before. But selfish groups saw in the situation unexampled opportunities for acquiring pelf and power; and the people of Maryland came to face a difficult choice, for however much they might disapprove of the doings of some of the Democratic leaders, a vote in opposition might become an act to restore old conditions under Radical Republican rule, or the first step in the inauguration of a régime of Congressional "reconstruction." By 1870, under the terms of the Fifteenth Amendment, which had been disapproved by the General Assembly, a body of thirty or forty thousand negro voters was thrust into the situation. Because of its practical unanimity this vote tended to solidify the whites on the other side, except in western Maryland, where neither slaves nor freedmen had been at all numerous. Here, in fact, in some communities, negroes were excluded by a kind of unwritten law, which recalls ante-bellum opposition to the immigration of negroes in the Northwestern states.[8] In 1866, the House of Delegates, a majority of whom were Union Republicans, formally approved of the policy of President Johnson and declared that,

> The control of the elective franchise is a function residing in the States, and may be restricted or enlarged as said States may deem most advantageous for the public welfare.

Early in 1867, however, Senator Sumner was able to get through Congress, over the President's veto, the bill which gave the ballot to the negroes in the District of Columbia, even though the white population had voted it down in popular referendum more

than 100 to 1. Fraud and corruption followed; and in 1874 whites and blacks alike were disfranchised. In Maryland it was asserted that this latter action was a confession that the rule prescribed for the Southern states had signally failed at the seat of the Federal government.*

It was not long before Democratic politicians discovered that, by various methods, the new vote could be "persuaded" to stay away from the polls. In any event, this marked the introduction of the use of considerable amounts of money in elections; yet the threat of hybrid conditions was so menacing that many good men felt impelled to condone the introduction of this evil. One bad practice easily leads to another; and a purchasable white element learned to profit under the new dispensation. Later, when the Democratic ability to pay the negroes to stay at home was offset by bigger and better Republican inducements to cast the ballot, a number of counties acquired, politically speaking, a different complexion, as they came under the control of Republican "bosses," who were not infrequently recruited from the office-seeking element of the other organization; and the latter were often able to get campaign funds from sources outside the state.

In Maryland, from this time to the close of the century, economic factors played a prominent rôle, and corporations took an active part in politics. Authur Pue Gorman, in particular, was able to wield a powerful influence by reason of being the President of the Chesapeake and Ohio Canal Company. In fact, throughout the Union, in the close association of business and politics of the decades under discussion, private exploitation of public utility enterprises was a common procedure. Employees were selected not so much for their ability in business as for their influence in politics.

For several decades, the most important corporation operating in Maryland was the Baltimore and Ohio Railroad Company. During the War of Secession, John W. Garrett, as president of the road, had done as much as anyone for the Federal cause. So great, indeed, was his influence in national affairs

*In February, 1867, Congress passed an act to enable the negro to appeal from local courts to the Supreme Court. This act was repealed in March, 1868, because it was seen that under its provisions the Southern white could make a similar appeal.

that he appears to have been primarily responsible for placing the counties of Jefferson and Berkeley in the newly created State of West Virginia; for, had the natural mountain boundary line been followed northward to the Potomac, the present Eastern Panhandle of West Virginia would have remained in Virginia. Garrett objected to this line on various grounds agreeable to the Railroad Company, but chiefly for the reason that he wanted the road, from the time it crossed the Potomac at Harper's Ferry until it returned to Maryland, to keep within the bounds of one state, which would be the case if Jefferson and Berkeley were added to West Virginia. The procedure that had been pursued in the creation of the state was autocratic and unconstitutional; and the subsequent addition to West Virginia of the Eastern Panhandle was equally arbitrary.*

On the other hand, it should be stated that Garrett, after having attained during the war a number of political and corporation objectives, disapproved of the continuance of military tyranny when the matter of secession had been settled. Like Reverdy Johnson, he had no sympathy with the political aims of the Vindictives or Radicals in Congress. In fact, it was not long before the Baltimore and Ohio responded to the appeal of Virginians that the Company should extend its line up the Shenandoah Valley to Lexington and beyond. With this plan in view General Robert E. Lee, then President of Washington College, visited Baltimore on behalf of the economic restoration of the people of the Shenandoah Valley, whose lands had been laid waste by military orders. The Baltimore and Ohio subscribed liberally, and President Garrett aided General Lee in getting a second large subscription from the city of Baltimore,

*Berkeley and Jefferson counties were "voted into" West Virginia at elections held in August and November, 1863. At the close of the war, when a vote was proposed for reconsideration, Governor Boreman threatened the arrest of all who attempted to participate in such proceedings. In this he was promised the support of Federal soldiers. Subsequently Virginia protested, and the matter was taken to the Supreme Court, which several years later, by a majority vote, delivered an opinion in favor of the West Virginia contention. During this time Peter G. Van Winkle, an attorney for the Baltimore and Ohio Railroad and a native of New York, represented West Virginia in the United States Senate.[9] Many curious proposals were made in what may be called the rump proceedings leading to the establishment of West Virginia. One was the suggestion that Accomac and Northampton counties on the Eastern Shore of Virginia be transferred to Maryland in exchange for an equivalent in western Maryland in the territory now comprised in the counties of Allegany and Garrett. (*Cf.* 11 Wallace, United States Supreme Court Reports, p. 69 *et seq.*)

whilst the counties along the route of the proposed line subscribed the remainder.*

Returning to the narrative of the post-bellum participation in politics of the Baltimore and Ohio Corporation, it appears that in 1853 the General Assembly had granted a charter to construct a railroad through the Southern counties with a view to connecting Baltimore and Richmond across the Potomac below Washington. Effort was vainly made to interest the Baltimore and Ohio in this project. After the war, however, Oden Bowie, the most active supporter of the proposed line, went to Philadelphia and discussed the project with the officials of the Pennsylvania Railroad.[10] There it was pointed out that the Maryland Charter could be used to include the extension of the Pennsylvania system to Washington *via* the Philadelphia, Wilmington and Baltimore Railroad. Under the then existing arrangement, the Philadelphia-Wilmington-Baltimore line was compelled to transfer its cars by horses to the Camden Street station of the Baltimore and Ohio, where the passengers purchased tickets for points south. According to some accounts Bowie was urged to run for Governor so that the Pennsylvania system, by virtue of his political leadership, would be able to secure further privileges from the General Assembly. In any event, after Bowie's nomination and election in 1867 the construction of the Baltimore and Potomac Railroad was begun, the Northern Central and the Pennsylvania jointly guaranteeing the bonds issued on behalf of the new company.†[11]

*The upper Shenandoah Valley road was not completed as planned, largely because of the panic of 1873 and the subsequent financial difficulty of the Baltimore and Ohio corporation. The road was constructed as far as Lexington the year before the death of John W. Garrett, who had dreams of eventually reaching the Gulf States, whereas, after his death, his successors looked northward to New York rather than southward to New Orleans.

†"The Northern Central Railway Company fell for a time under the control of the Presidents of the Baltimore and Ohio and the Philadelphia and Reading Railroad Companies, who represented interests adverse to those of this Company, rendering the object we desired of no easy accomplishment. During the monetary panic in Baltimore, however, immediately after the election of President Lincoln, the interest of the first named party and many other shareholders in the Northern Central Company were thrown upon the market and immediately taken up by this Company. The remaining shares required to make a majority of the stock of the Company were purchased in London."—*Twenty-fourth Annual Report of the Pennsylvania Railroad Company.*

Oden Bowie was made President of the Baltimore and Potomac Railroad for life. He had been nominated over William T. Hamilton by the narrow margin of one vote. The following year Hamilton was elected to the United States Senate to succeed Reverdy Johnson, who had been appointed Minister to Great Britain.

Under the charter granted by the General Assembly the new company was given the right to build a line of railroad from Baltimore to Pope's Creek, near the Potomac, in southern Maryland. The crux of the advantage to the Pennsylvania system lay in the privilege of constructing branches not exceeding twenty miles in length. Since the proposed line ran through Bowie, approximately nineteen miles from Washington, it was, under the terms of the charter, possible to construct a "branch" of the Pope's Creek extension from that point to the National Capital.*

In Congress, for more than a decade there had been numerous proponents of a plan to have the Federal government construct a railroad from New York to Washington. Early in 1861, in the midst of the uncertainty as to the stand of the State of Maryland, the Baltimore and Ohio Railroad had refused to transport troops and supplies.[14] Afterward, in making his road a most important factor in the service of the Federal government, President Garrett more than compensated for this early inaction. On the other hand, this refusal, made under conditions prevailing in the spring of 1861, when such transportation would have meant ruin for the railroad, gave an element in Congress an excuse to urge the construction of one or more "government" roads. To these proposals Senator James A. Pearce voiced Maryland's traditional objections to bureaucracy and centralization.[15] Again, in 1871, in connection with the frequently recurring debate on this project, that especially alert supporter of state prerogatives, Senator Vickers, observed:

> The authority to incorporate a company to construct a railroad from Washington to New York, to enter upon the lands of a State, to take its soil, to run parallel and near to and across other railroads constructed under State authority, to bridge its rivers and enter its cities and towns, is claimed under the power to regulate commerce and to establish post offices and post roads.

"This Maryland patriot, whom Sumner pronounced the greatest constitutional lawyer ever at the British court, with the possible exception of William Pinkney, took up Adams's work and the result was the Johnson-Clarendon treaty."[12]

*Thus the extension of a trunk line from New York to Washington was secured. Many additional problems were encountered which were solved by processes not in the programme of the engineering department. Some years later, the Baltimore and Ohio encountered trouble somewhat similar when that railroad extended its line from Baltimore northward. In this case, with respect to the relations between the rival roads, the conditions were largely reversed. With the exception of the Baltimore tunnel, the road was completed to Washington *via* the "branch" from Bowie, July 2, 1872.[13]

The authority to make canals is as clear as that to make railroads. If the power to make the former is not embraced, the power to make the latter cannot be.

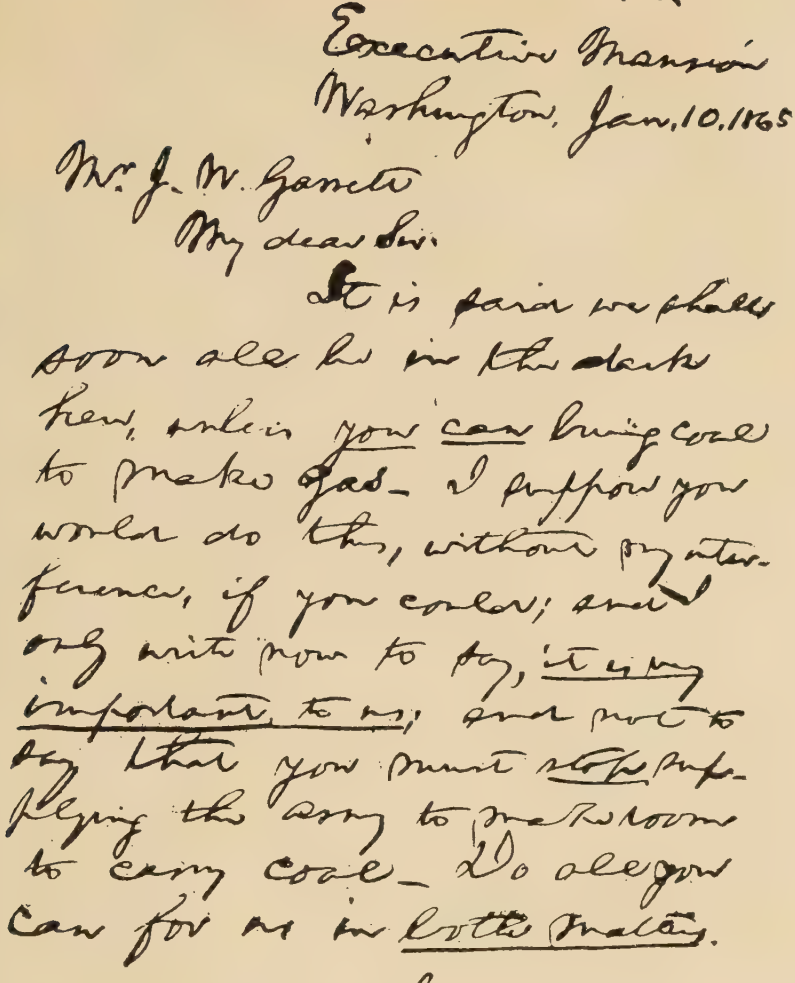
When this proposal for constructing a road from New York to Washington was discussed in the House, Representative Francis Thomas eloquently opposed the idea of the government's going into the transportation business.

If this [he added] be not interfering with the reserved rights of the States, then the States have no reserved rights, and this is a consolidated government.

He then recounted his history of the veto of President Monroe, given on the advice of both Jefferson and Madison, as to the proposed erection of toll gates on the Cumberland Pike.*

It is probably a fair inference that the rivalry between the Baltimore and Ohio and the Pennsylvania railroads, which was so largely waged in the political arena, helped greatly to promote a number of civic ills subsequently considered in this narrative. At this time an exceptional number of special privilege bills were passed; and as the people grew restive under resultant evils the brazen age of business interference in matters of statecraft passed into a period of semi-concealment; and that, in turn, into a time marked by the greatest possible secrecy on the part of those who pulled the wires of legislative action, until even more marked changes were brought about by the creation of the Public Service Commission many years later. In political procedure each period was distinguished by some improvement over the preceding ones; so that, from the era in which the

*By the proponents of the Federal road much was made of the fact that it took from twelve to fourteen hours to go from Washington to New York and *vice versa*. Under the conditions that prevailed from 1866 to 1876 the construction of government railroads must certainly have given opportunity for another chapter in the carnival of corruption characteristic of that period. The Maryland members of Congress performed a notable service in opposing these proposals. From the debates recorded in the *Congressional Globe* it appears that the sentiment of the Maryland Congressmen was preponderantly, if not unanimously, against these measures; and the fact that Thomas's argument attracted special attention in Haney's studies in economics would seem to indicate the importance with which it was regarded, especially as Thomas usually coöperated with the radical Republican group. A member of Lincoln's Cabinet (Cameron) had been accused of being involved in advancing the interests of the Pennsylvania road. Afterward, when the bill, with special privileges and provisions, admitting the Pennsylvania into Washington was first passed it was stipulated that the station to be erected must be a "replica" of the station at Lancaster, the home of Thaddeus Stevens. After Stevens's death, this stipulation was abrogated.[16]


Executive Mansion
Washington, Jan. 10. 1865

Mr. J. W. Garrett
My dear Sir.

It is said we shall soon all be in the dark here, unless you can bring coal to make gas. I suppose you would do this, without my interference, if you could; and only write now to say, it is very important to us; and not to say that you must stop supplying the army to make room to carry coal. Do all you can for us in both matters.

Yours truly
A. Lincoln

Holograph letter from President Lincoln to John W. Garrett, who, as the chief executive of the only railroad between the Federal capital and the North and West, was, throughout the War of Secession, a highly important figure in Federal operations. This letter, recently made public, is reproduced in facsimile by courtesy of Mr. John W. Garrett, grandson of the recipient.

bosses openly defied public opinion in the choice of candidates to the time when they were compelled to "perfume the ticket," there was at least an appearance of progress toward higher standards. The very variations in the political terminology illustrate the advance in procedure if not in morals. In the early 'seventies there were "party managers"; these were men who boasted of their ability to control votes, whether this ability was exercised at the polls, in the state conventions, or in the General Assembly, particularly the last. In the late 'seventies, rebellious spirits, led by the liberal or independent press, began to call this group "The Ring"; so that, in the course of time, delegates, once proud of being "regulars," became ashamed of being hailed as political hacks. The worst of these conditions were described by a lifelong observer in the following words:

> The leader of the managers would stand in the doorway that led to the north-west entrance to the State House, past the Speaker's private room and clerk's apartment, and when "the Regulars" were uncertain which way to vote, he would place his finger upon his nose if they were desired to vote "nay" and upon his eye, if they were desired to respond "aye," and thus they had the cue for the vote they were to make.[17]

When in the early 'eighties bolder practices began to give way to subtler methods the party managers, or their subalterns, became known as the "Third House" or the "lobby." Subsequently, again, the managers, the lobby, their henchmen, and many of the elected officials were collectively termed "the organization."*

Although, in order to illustrate the fluctuations in popular government, no little space is given to matters political, it is not within the purview of this volume to discuss the details of the innumerable deals that were the accompaniment of politics in these years. The "boss" system has had, and still has, its defenders, sometimes by virtue of the argument that under the

*In his autobiography, dictated in 1922,[18] John J. Mahon (*infra*, p. 609) maintained that his professional services in securing legislation were on a par with the services of leading attorneys, who also sought legislation on behalf of clients. If the lawyers, he argued, were paid for what they did the "boss" should receive his fees in similar fashion, whether the causes they respectively represented were regarded as for or against the interests of the public. He demonstrated that his services had been sought by business men of distinction who, as long as they got what they sought, were complacent as to methods. He also admitted exercising his talents on behalf of charities and, on occasion, churches or their congregations, regardless of creed.

control of a few such leaders business interests can definitely pay for protection against unreasonable meddling and even get special favors for the promotion of prosperity.

The passing of the supreme influence of the Third House brings to mind the activities of the Fourth Estate, which in Maryland, at the time of this reform movement, was termed the Fourth *House;* for it was very largely the efforts of this force or factor that clipped the power of men whose methods could not stand the light.

It appears, from the establishment of the Maryland *Gazette* to the modern epoch, that the province and state has been fortunate in having an independent press as well as newspapers of sharply contrary points of view. In the earlier days of the Federal Republic the leading journals of Maryland were decidedly partisan but comparatively dignified. For example, whether they were Federalist or Republican (Democratic) they were not so violently vituperative as much of the press elsewhere, notably that part of it directed by John Fenno, editor of the *Gazette of the United States,* on the Federalist side; and that of the Republicans or Democrats, led by Philip Freneau, editor of the *National Gazette,* on the other.* A chapter could be devoted to a discussion of the old *Maryland Gazette,* which in 1927 celebrated in fitting fashion its two hundredth birthday. Once the organ of a colonial capital described by visitors as a leader among American communities in the development of the background which makes for grace and culture, the *Gazette* is still the representative journal of "the ancient city," which has been outstripped a thousandfold in everything but age, charm, and political interest by her great commercial neighbor on the Patapsco.

From time to time, in the preceding pages, the *Gazette* has been quoted with regard to the events of different periods; and although it is not within the province of the present chapter to discuss the modern press, some features require special mention. The exceptional influence of one of these Maryland newspapers is part and parcel of the times under discussion. If Montgomery Blair, Charles E. Phelps, Thomas Swann, and others were re-

*Exception may be taken with regard to the beginnings in 1799 of the Baltimore *American,* which was fiercely anti-Federalist. When scarcely a month old its offices were attacked by a Federalist mob, and the editors barely escaped serious injury or death.

sponsible for beginning the movement to wrest the state from the tyrannical grasp of the radical Republicans of the "reconstruction" epoch, the support of the Baltimore *Sun* enabled the independents and Republicans to rescue the commonwealth from the control of a Democratic organization whose leaders had become defiant by reason of the power derived from the earlier anti-radical reaction. Perhaps the wide use, in adjoining states as well as in Maryland, of the term "Sunpaper" is unique in American journalism and may be properly regarded as significant of the influence this locally controlled organ has had upon the sentiment of the state, at least throughout this particular period.

With respect to politics in the last half of the Nineteenth Century, the years 1859–1860, 1867, 1875, and 1895 stand out in especial prominence as milestones of revolt. In 1869, there appeared upon the political horizon of Maryland the figures of Arthur Pue Gorman, of Howard County; and of I. Freeman Rasin, of Baltimore City. These two were destined to wield exceptional power as "bosses" or managers in the majority party, the first as the holder of state and national offices, and the second as the power behind the scenes, who, for many years, held visible or invisible control of the political arena in the center of population.

In 1871 William Pinkney Whyte was nominated by the Democrats, and again the Democratic candidate would probably have carried the state electoral units in a clean sweep but for the first appearance, in a state-wide election, of the negro vote. This latter element now entered the situation and enabled the Republicans to carry the counties of Anne Arundel, Calvert, Charles, and Prince George's.[19]

In many respects Whyte made a good Governor. On the other hand, his reputed use of patronage to encompass his personal political purposes won for him the opposition of many independent Democrats, the most notable of whom was the redoubtable reformer, Severn Teackle Wallis. Governor Whyte secured the support of Gorman by bringing about the removal of James T. Clarke from the presidency of the Chesapeake and Ohio Canal Company and replacing him with the Howard County leader. This was but a step in his plans to unseat Hamilton in the United

States Senate in favor of himself. In the eyes of the supporters of Hamilton, however, the act brought forth its own penalty; for, subsequently, Gorman used this position to such good advantage that greatly to his chagrin Whyte was supplanted by the man he had thus advanced.

When in 1874 Whyte was elected to the United States Senate he was succeeded by James Black Groome. This period saw the beginnings of special efforts looking toward the education of the freedmen, and in 1874 an act was passed for the establishment of a Normal School for the training of negroes. Somewhat earlier (1868) began the long-continued attempts to protect or regulate the fishing industry; the first notable efforts in road improvement; local liquor-restriction laws; and legislation designed to improve election procedure, especially with a view to securing bi-partisan guardianship of the polls. Also bills were passed for the establishment of a House of Correction and the State Board of Health. The period was by no means barren in the matter of constructive legislation.

According to Eliot's Indian Bible "mugwump" was once a term for Indian chief; but in the Presidential race of 1884 it was applied by Republican regulars to those who bolted the Blaine-Logan ticket. Prior to this, in Maryland the Democratic regulars had called the independents of the campaign of 1875 "potato bugs." Both terms were originally used in derision, but both became applicable to men of the highest standing, with the difference that the term "mugwump" survived, while "potato bug" lost its political connotation and has been largely forgotten, along with the particular insect plague which at this time was creating an economic problem of some importance. In any event the political battle of 1875 marked the active beginnings of the anti-machine movement of the last quarter of the century. Intra-party contention for the nomination of Governor of the state and Mayor of Baltimore developed sharply defined factions in the majority organization. Although there were three candidates in the field for Governor—*viz.*, James Black Groome, seeking to succeed himself, John Lee Carroll, and William T. Hamilton—the contest developed into a struggle between Hamilton, supported largely by the reform or liberal element, and Carroll, who had the backing of the organization.

After the bitterest of convention fights, accompanied by charges of corruption and bribery, the organization candidate secured the nomination. Although Carroll himself was a man of honor and integrity the reform element felt so embittered over "boss control" that they determined to offer an independent ticket, with the expectation that the Republicans would endorse it. The most conspicuous leader of the independents was Severn Teackle Wallis, former Whig, whose excoriations of the Ring resounded throughout the state as nothing had done for a generation or more. On the Citizens' Reform ticket Wallis himself was nominated for the office of attorney general, at the head of which stood J. Morrison Harris. This ticket the Republicans endorsed.

After the election, which resulted in a triumph for the Democratic ticket, charges of fraud were raised; especially was it asserted that, in many places in Baltimore City, negroes had been intimidated; again, in Anne Arundel, where the election officials had been under prosecution by the Federal government, the expenses of their defense were met by appropriations of the General Assembly. In this county and in other places, a great many worthy citizens continued to condone election abuses of this character because of the argument that it was better to have white control at almost any price than the threatened alternative of the kind of government which had been thrust upon the other Southern states.

At the time of his election to the United States Senate Whyte was regarded as the supreme head of the Democratic organization; but he was soon to give way to Gorman. The latter was busily undermining his elder rival, whilst the people generally were insisting upon the nomination of William T. Hamilton for Governor. Consequently the incumbent, John Lee Carroll, was set aside; and the organization and the independents united in supporting Hamilton, who defeated his Republican opponent by a large majority. Apparently the people had won a great victory, but Gorman had so manipulated the political machinery that he was able not only to defeat Whyte for the United States Senate, but also to tie the hands of the new executive so completely that the latter was powerless to secure the passage of many of the measures he advocated. On the other hand, Gorman soon became a figure of national importance, particularly in two

great political battles within the United States Senate. In one case he, perhaps, more than any other man, saved the South from the reintroduction of Federal control. In the other he was, with Senators Brice of Ohio and Smith of New Jersey, regarded by the Cleveland Democrats in particular as a traitor to the party, to its campaign pledges, and to its fundamental principles.

Some idea may be had of conditions by a review of Governor Hamilton's message to the General Assembly of 1882. In the first place in language reminiscent of the sound credit ideas of Governors Thomas and Pratt, prior to the War of Secession, he called the attention of the Assembly to the Constitutional provision that every debt when created was to be provided with a sinking fund with which to pay it off. He then proceeded to expose the extraordinary and unnecessary cost in the conduct of the government, denouncing in particular the steadily mounting expenses of the legislators themselves. The Governor voiced public sentiment in calling for a new registration of voters; in short, he urged a series of reforms in the way of retrenchment and the abolition of election abuses. These measures were afterward taken up by his successors and forced through the Legislature by the pressure of an aroused public sentiment.

From the political standpoint the principal event after the failure of the reform campaign of 1875—which had, at least, borne good fruit in arousing the spirit of revolt—was the so-called "New Judge" fight of 1882. This brought into the field the figure of John K. Cowen, as counsel of the Baltimore and Ohio Railroad. At this time it was widely believed that a part of the judiciary was under political domination. The campaign is especially remarkable in that it brought about a startling realignment of independents and regulars. The majority of the independent element, declaring for new judges, were led by Cowen, Colonel Charles Marshall, William L. Marbury, J. S. Heuisler, Charles J. Bonaparte, Major R. M. Venable, Joseph Packard, and Randolph Barton. Severn Teackle Wallis was silent; but Senator Gorman, apparently because of the political and personal enmity between himself and Mayor Whyte, quietly supported the Reform ticket and had much to do with its ultimate success.

Considered both from its purpose and beneficial effects, the

New Judge campaign was one of the most notable in the history of the state. Although a partisan newspaper had persuaded the Republicans to nominate members of that party for the Bench these candidates received little support. The new judges elected were Charles E. Phelps, William A. Fisher (also nominated by the organization), William A. Stewart, and Edward Duffy. Rotation in the various courts on the part of the members of the Bench followed, and this aided in eliminating evils which had existed under the old system. Also, the custom developed of securing nonpartisan support for judges in recognition of character or impartial service, a movement aided or led by the members of the Maryland bar.

In 1883 the dominant party again turned down the claims of the governor in service to take up a new candidate. In order, however, to prevent the renomination of the able and popular Hamilton, who continued to be *persona non grata* to the machine, the party managers were compelled to pitch upon a leader of high character and attainments; so Robert M. McLane was chosen. His administration, however, was brief. As Reverdy Johnson had resigned from the United States Senate to accept the post of Minister to Great Britain, so McLane resigned the governorship in 1885 to become Minister to France; and Henry Lloyd, president of the Senate, succeeded him.*

Legislation of note in this gubernatorial quadrennium was that advanced in the interest of local option. The Assembly passed an enabling act, under the provisions of which Annapolis adopted prohibition, though the voters reversed the decision two years later. In addition, special conservation measures were passed, particularly with a view to the protection of the diminishing supply of wild birds and other animal life. Provision was made for the preparation of a Code of Maryland Statutes under the supervision of John Prentiss Poe.

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*Of a Wilmington, Delaware, family, McLane was a graduate of West Point and served under General Scott until 1843, when he entered civil life. Having served in Congress from 1847 to 1851 he was appointed commissioner, with plenipotentiary powers, to Japan, China, Korea, and other Eastern countries. With Commodore Perry he concluded several important treaties. He was Minister to Mexico in 1859–1861, whence he returned to Baltimore. On the outbreak of the War of Secession he was a member of the committee appointed by the General Assembly to confer with President Lincoln with respect to the relations between the Federal government and Maryland.

The year of McLane's resignation saw a realignment of political forces. Both Gorman and his foes staked all on the fight for Mayor between James Hodges, the Gorman-Rasin candidate, and Judge George William Brown. The politico-economic giants in the fight were the Baltimore and Ohio Railroad forces led by John K. Cowen, and the Pennsylvania interests under the leadership of Bernard Carter, the latter being brought into the contest by Senator Gorman. Hodges, a man of integrity and political independence, won the mayoralty, but the Gorman-Rasin machine was the principal beneficiary. The city returns spelled victory for the Democratic organization in the state since, with the prestige of this success, it was able to select its candidates for Governor and assure the reëlection of Gorman to the United States Senate. It was at this time that Rasin was credited with the remark: "Give me the window and I don't care who has the votes." The notoriety given this expression caused the independents to use extraordinary exertions to secure the passage of the Australian ballot law. The fight was carried on against great odds; but the power of public opinion aroused by the independent press finally forced this measure through the Legislature in 1890.

The situation in 1886 was crowded with menacing potentialities which, translated into legislation, would have radically altered the economic and political history of Maryland. Some of the proposed changes were desirable in order to meet modern conditions, but others were vicious or subversive; in short, the subsequent exposure and defeat of the plans of a powerful political machine when apparently sure of attainment presents one of the dramas of modern politics. By way of explanation the Constitution of 1867 had provided that every twenty years the people of the state should be given opportunity to vote for the holding of a convention to consider changes in, or the creation of, a new instrument of government. As early as 1885 Senator Gorman and his aides aroused sentiment in favor of calling such a convention, in order, it was said, to provide ways and means of taxing securities that had hitherto been exempt. The proposal met with favor, and the General Assembly of 1886 was overwhelmingly Democratic. The orders of Senator Gorman were that the bill to call the convention was

to be reported out of committee without question and passed as the first order of legislative action, "in response to the demand of the people."* The Senator had the hearty support of I. Freeman Rasin, then at the height of his power in the city. At this time, however, certain privately expressed threats aimed at Cowen and the Baltimore and Ohio Railroad disclosed the possibility of other and ulterior purposes entirely foreign to the public expressions used in the campaign. One of these was to gain, ostensibly for the state, but actually for the Democratic organization, control of the railroad. For public consumption it was declared that the object of the move was to compel the corporation to pay taxes on its property, which, from the beginning, had been exempted from taxation. In fact, the state had subscribed heavily to the stock of the road, and its holdings had been duly represented on the board of directors. Under these circumstances the corporation had not entered politics any more than politics had entered it. Politics had, at times, dictated its policies, thus contributing, it was said, to its frequent troubles prior to the Civil War, despite its notable leadership in crossing the Alleghanies and thereby acquiring the distinction of being the longest railroad in the world.†

John W. Garrett had become president of the Baltimore and Ohio in 1858, whereupon, aided by the advice and resources of the merchant-banker, Johns Hopkins, original methods of financing railroad corporations were devised; for no such great construction and transporation problems had before arisen.

*The first routine business of importance had been the reëlection of Senator Gorman.

†The contract originally entered into by the state with the corporation was regarded as irrepealable. The interpretation of the charter and numerous knotty legal problems involving the rights of way of the Chesapeake and Ohio Canal, together with difficulties encountered with the Virginia Legislature, were solved by John H. B. Latrobe. Thereupon, under the energetic direction of Thomas Swann, subsequently Mayor of Baltimore and Governor of the state, the road was opened as far west as Wheeling, January 1, 1853. The success of Benjamin H. Latrobe, II, in overcoming apparently insurmountable obstacles, was by many considered the greatest engineering achievement of the age. The Latrobes were brothers and the sons of Benjamin H. Latrobe, architect of the Capitol at Washington. The latter, born in Yorkshire, England, was the first representative of a family which became noted in American annals. His voluminous correspondence, at present unpublished (1929), contains the most illuminating comments concerning the personages and events of the post-Revolutionary period. The "home copies" of his letters to friends abroad and in America are the same as the ones he addressed; for he made use of a cleverly devised two-pointed pen and accompanying apparatus designed by Charles Willson Peale. This device enabled the writer simultaneously to inscribe two copies.

With such support, Garrett's personality soon dominated the corporation and, ultimately, the political situation throughout Maryland. During the War of Secession his power was greatly enhanced; for by virtue of the situation he was the responsible head of the most important railroad system in the United States —the only line which ran into Washington from the North on the one side and from the West on the other. In 1884 this notable railroad official had died at Deer Park, in the county which, in 1872, had been named after him. Robert Garrett succeeded to the presidency; but John K. Cowen, as counsel of the road, became its guiding genius. The latter challenged the power of Senator Gorman. He denounced the Maryland Senator as being, with Rasin, the source of political corruption in city and state. The subsequent conflict between this powerful corporation and the leaders of the dominant political machine, openly begun on the hustings in 1885, was ultimately extended into a wider field when, a few years later, it played a part in the nomination of a President of the United States.*

Returning to the General Assembly of 1886 it seems that Senator Gorman made the mistake, in certain private interviews, of referring to the prospective overthrow of Cowen and the railroad. This led to questioning, begun by Philip D. Laird, one of the younger members of the House, and by others. Examination, induced largely by the first disclosure, showed that the bill to provide for a new Constitution embraced a plan by which the state could be more easily brought under the control of the managers of the dominant party.

When the bill in all its particulars was brought out in the open many prominent party members began to exert themselves against its passage in favor of a counter measure introduced by State Senator J. Clarence Lane of Washington County, which provided for a vote to be taken at the next election on the sole question as to whether a Constitutional convention should be called. The Gorman plan, on the contrary, provided for a special election at which the delegates should be elected at the time the vote was taken. In the words of Severn Teackle Wallis, it was "full of squirming, poisonous snakes."[20] In the end, what

*Cowen was regarded by some as one who sought, largely from private or personal motives, to dominate both the railroad and the political situation; by others he was acclaimed as the greatest of the reform leaders.

Delegate Laird had been doing in the way of examination and disclosure was carried on by the independent press, so that the combined power of the state and city machines could not force it through.*

In 1887, Elihu E. Jackson had been the successful gubernatorial nominee of the Democrats. As Governor, Jackson expended much energy in vainly striving to secure peace between irreconcilable factions then fighting for political and business control. A strong factor in the subsequent defeat of the city and state machines was the activity of the Baltimore *Evening News*. Whilst Gorman was urging Jackson to purchase this journal it passed into the hands of a notable group of independents, who turned over the business management and the editorial department respectively to Charles H. Grasty and Fabian Franklin.†

Frank Brown, successor to Jackson in 1892, was the last of the unbroken line of Democratic post-bellum executives; and he, it may be noted, was the forerunner of another type. In the mayoralty campaign of Baltimore in 1885, Brown had been active as a leader of the organization forces; but in 1887, he announced that he was a candidate for Governor in 1891 whether the organization desired it or not. Besides knowing and playing the political game partly in the Gorman fashion he established a precedent in overthrowing the plans of the managers; so that subsequently even more independently inclined candidates could take up the idea where Brown had left off. He managed his own campaign and, in giving orders for a cessation of organization attacks on Cowen and the Baltimore and Ohio, Senator Gorman experienced the unusual sensation of having his methods banned by the nominee of the party. Elected by a majority of 33,000, the new executive showed that he was a man of strong common sense who strove to give the state a sound business administration. To him are credited many unusual comments on political, social, and economic problems. Observing

*In connection with the proposed convention, it was charged that Gorman was himself seeking control of the Baltimore and Ohio Railroad with a view to using the property for political or private ends. Subsequently the corporation was freed from political entanglements by the purchase of the stock so long held by the state.

†The purchase was made in 1892, and as long as it remained under this ownership and management, the newspaper was not only independent, but anti-organization.

the abuses that accompanied the saloon and the liquor trade, together with the steady growth of prohibition sentiment in the matter of local option, he shrewdly suggested that if the habit of "treating" could be regulated intemperance and intoxication would be largely abolished. Governor Brown became noted for his active interest in the administration of all the departments of the government, and his friends declared that had he been renominated, the Democratic debacle of 1895 might never have occurred; but Gorman and his machine had become overconfident from their recent victories, and both were now riding rapidly to a fall. The Maryland Senator had been a more formidable candidate for the Presidential nomination of 1892 than is generally realized; as previously stated, he had won the gratitude of the Southern section of the party by his notable contribution to the defeat of the Force bill of 1890, which had been strongly championed by Henry Cabot Lodge and the Republican leaders of the East. In short, these leaders had the same aims in the nation as those Gorman sought in the state: *viz.*, the perpetuation of partisan control. Although, in 1892, Cleveland was the logical Democratic candidate, he had offended influential groups in his own party, particularly in New York. On the other hand, Alabama and other Southern states were believed to be ready to support Gorman. In addition the Maryland Senator had an understanding with David B. Hill which was designed to set aside Cleveland, even if it did not succeed in securing his own nomination. After the Convention met, however, Rasin's opposition to Gorman ruined the latter's plan, for when the Maryland vote split, Gorman's chances for the nomination vanished. Subsequently Gorman became the leader of the little group of Democratic Senators who, by uniting with the Republican minority, defeated the Cleveland plans for tariff reform.

In the state election of 1895 a number of things contributed to the overthrow of the Democratic machine. First, there was the strong popular resentment over Gorman's "betrayal" of Cleveland; for public sentiment in Maryland was strongly behind the President; also, the renomination of Governor Brown had been turned down by Gorman. A number of candidates were in the field; but John E. Hurst was finally chosen. Hurst was worthy of the position, but the processes of selection were made

so notorious by exposure in the independent press that it is doubtful if any candidate brought forward by the Democratic machine would have won. The Republicans nominated Lloyd Lowndes, who was fortunate in having George L. Wellington as campaign manager. What followed was, in reality, a political revolution. The Baltimore *American* was the most notable Republican organ, but it was said that the Democratic regulars turned to that journal for relief; for the *Sun,* which had supported the Ring in the struggle of 1885, opened its columns daily to the sharpest criticisms of this group and thereby greatly aided the effort to overthrow the "Old Guard." The Republicans swept the state, Gorman losing his own county. In Baltimore Alcaeus Hooper was elected Mayor with a Republican council; while Lowndes was elected governor by nearly 20,000 majority, with a Republican Legislature. After the independent press considerable credit for the success of the campagn was due to Roger W. Cull of the Reform League. It was he who devised methods for checking registration and other election frauds. In spite of this there was, in some of the wards, a recrudescence—a final flare-up—of the old-time rioting and disorder. Volunteer workers or watchers were threatened with violence, and some were roughly handled.

At this time the privileges and immunities of the press as a quasi-public institution came up for discussion, from which was derived a precedent in state legislation. A reporter on the staff of a Baltimore newspaper secured and published information with regard to a matter under investigation in court. Queried by the Court and by the foreman of the Grand Jury, he refused to divulge the source of his information. He was then arrested and, for a brief period, imprisoned. Thereupon, the General Assembly, at the instance of the Journalists' Club, passed the following Act (1896):

> No person engaged in, connected with or employed on a newspaper or journal shall be compelled to disclose, in any legal proceeding or trial before any committee of the Legislature or elsewhere the source of any news or information procured or obtained by him for and published in the newspaper on and in which he is engaged, connected with or employed.

In giving extended consideration to political matters in the period under discussion one cannot but come to the conclusion

that invaluable lessons are to be gained therefrom. With regard to Maryland it may be said that however low political practices may have sunk, the same, or lower, levels were to be found elsewhere; and states and cities which were not so fortunate as to bring corruption out in the open have continued to suffer from the political ills which in Maryland have passed into history. It should be borne in mind, also, that the Federal government was steeped in venality and corruption. With respect to the latter the Baltimore *Sun* made no comment for some time and then phrased its disapproval in an editorial article under date of February 12, 1873, part of which may well be quoted:

> The painful disclosures in the Crédit Mobilier investigation have elicited from many of the public journals of all parties a singular unanimity of sentiment of the general proposition that there is "something rotten in Denmark," and that there has been a good deal of "forgetfulness," if not falsifying, to say nothing of a willingness for ill-gotten gains. . . . While the generality of the press has treated this subject, latterly at least, with the gravity becoming its seriousness, there are a few others of the republican partisan journals who affect a flippant levity in regard to it, and sneer at the thought of suspecting the immaculateness of persons in high official position, especially where they have habitually professed philanthropic and moral reform sympathies. They attempt to ridicule the idea that such men are to be questioned, whatever may be alleged against them, or whatever may be the character of the proof.*

Reference has been made to the beginnings of legislative action, supported by considerable public opinion, that was designed to conserve for the state its greatest natural source of wealth in the varied products of the waters of the Chesapeake Bay. This subject has furnished a continuous basis for debate from the first regulation of "fishing at the Creek, in St. George's Hundred," passed by the Provincial Assembly of 1639, to the present time. The problem, however, has reached a more acute

*Among those who passed upon this résumé of the political situation during the final quarter of the Nineteenth Century there were several who were, in greater or less degree, associated with the activities of the party managers. These reviewers admit the accuracy of these statements as to the methods of the managers and the evils in the body politic. On the other hand, as in Professor Hollander's defense of Mayor Swann (*supra,* p. 484), the supporters of Rasin and Gorman pointed to their achievements in promoting the commercial welfare of their constituency. Rasin, in particular, was commended for "keeping the taxes down." Regardless of his dubious election methods this astute politician did not permit his retainers to run riot with public funds as in the case of municipalities which suffered not only from ballot box stuffing but treasury looting as well. Perhaps, after all, more may be said of the virtues of these leaders. They were literally "salesmen of legislation," and they "sold" the good along with the bad. History is full of worse examples.

stage in recent years, as the people of Maryland have felt aggrieved over the sharp increases in the cost of their long-accustomed sea food, such as shad, terrapin, crabs, and oysters. The majority, undoubtedly, as they began to see the natural supply diminish, were in favor of drastic measures looking not only toward public conservation but to the leasing of the oyster beds to private interests. On the other hand, there were thousands of men—voters all—who regarded the privileges of fishing, tonging, and crabbing as constituting something quite as inalienable as the right to life, liberty, and the pursuit of happiness. The latter have been sufficiently active and numerous to hold, by their representation in the General Assembly, the balance of power between the two great parties. From the session of 1868, when the Oyster Police Force was organized—or reorganized—to the present, almost every legislature has had before it the consideration of a number of measures designed to control or regulate the fishing industry; and in 1892 there appeared the first incorporation of a company created for the purpose of planting oysters. Twelve years later the struggle over the oyster industry reached a high point when "inland" sentiment crystallized around the proposed Haman bill. The proponents of this measure declared it sponsored the conservation of the oyster industry through the reconstitution of the depleted bottoms by means of private enterprise protected against the spoliation of roving tongers. Coupled with the idea of private cultivation was a system of taxation for these leased bottoms, the returns from which were to be used in road extension and improvement throughout the state. The bill had powerful support, both from the press and the Governor; but it was emasculated in its passage through the Legislature and narrowed in its application. It was asserted by its opponents that the whole plan had the secret support of selfish interests whose purpose was not merely to restore the depleted or barren beds in the Chesapeake and its estuaries, but to gain control of the natural and productive beds as well. On the other hand, the advocates of conservation assert that had this or a like plan been carried into effect, there would have been developed a source of wealth capable of eclipsing the returns from the gold fields of California. In 1927, the conservationists brought up new plans before the Assembly; but these likewise were abandoned or compro-

mised on account of the opposition of the tongers and fishermen. Again, the problem has been, at times, not only intrastate but interstate as well. Small "wars" have occurred between the fishermen of Maryland and leaseholders on the Virginia side of the southern boundary.

The period under review saw great material and social progress, which was accompanied by new difficulties arising with new conditions. In the first place the school problem assumed a new aspect in the matter of providing for a double system of education for whites and negroes. Schools for the latter were built and equipped almost wholly at the expense of white taxpayers. In the field of higher education Maryland pursued a course between that of the Western states, in the general support of state universities, and that of several Eastern states where colleges that were originally promoted, and since maintained, by private enterprise had eclipsed the state-controlled institutions. In several departments Maryland took the initiative in educational matters, particularly in the sphere of medical education and research. The present State University dates its beginning to 1807 with the grant of a charter to the College of Medicine of Maryland. Shortly after its establishment the College of Medicine acquired the first medical school library in the United States. Also, the first special instruction in dentistry was given in 1837; and, in 1839, the first dental college was established in Baltimore. The second agricultural college in the United States was chartered in 1856. This became known as the Maryland State College. It was greatly expanded under the Federal Land Grant Act of 1862, and, in 1920, by an act of the General Assembly the University of Maryland and the Maryland State College were merged under the former title.*

Although in less degree, the close of the War of Secession saw the creation of large fortunes in Baltimore as in the North. Those who favored the Union cause prospered, for much business was to be had in connection with war needs; and the Federal government appeared to have unlimited means or credit. Be-

*The University of Maryland, as now operating, was chartered in 1812; although in 1784 Washington College and St. John's College were designated by the General Assembly as the University of Maryland.[21]

sides this Baltimore was the center of activities in the state, and her merchants were those who provided the endowment for the institutions which are named in their honor. Because of their benefactions, the most notable were Johns Hopkins, Enoch Pratt, and George Peabody. The story of these endowments is primarily a part of the history of Baltimore; but, in particular, the influence exerted by the foundation established under the bequest of Johns Hopkins has been world wide. Perhaps it was the greatest single outgrowth of the true university idea in America since the founding of the University of Virginia by Thomas Jefferson. The plan, as developed by Daniel C. Gilman, its first president, brought together a staff of the greatest specialists in each department of research. Johns Hopkins, who himself had but limited opportunities for education, left what was, up to that time, by far the largest single bequest ever made to an institution of learning. This is not the place for a monograph on the University; but from the general viewpoint of history it is interesting to note that the founder wished particularly to make return, in endowment scholarships, to that section of the country whence, by trade, he had largely derived his great wealth—a striking commentary on the thesis of the ante-bellum economist and editor, Thomas Prentice Kettell, that "Southern wealth" was, by the trend of events, being transferred from the Southern planters to Northern traders, or to manufacturers especially protected by Federal legislation, over which procedure had so long lain the shadow of sectional conflict. In addition, Johns Hopkins happily blended in the personnel of the Board of Trustees those who had aided the North and those who fought with the South. Here, then, was fraternal reunion effected on behalf of the training of new generations.*

After the selection of a notable faculty, designed chiefly to supply in America that kind of scholarship which had been hitherto sought abroad, the university was opened in unpretentious quarters in October, 1876, with a group of eighty-nine students. The Medical School opened its doors to its first regular class in 1893; while the hospital had been opened in 1889. With regard to the latter establishment, Dr. Henry M. Hurd,

*Two of the early names associated with the South and the Johns Hopkins University were Woodrow Wilson and Walter Hines Page, representing, respectively, Virginia and North Carolina.

its first superintendent, declared that: "Had the hospital never received or treated a single patient, the work it has already accomplished in showing the way to better hospital construction would have fully justified the expenditure of every dollar it cost." Again, according to Dr. Gilman, only one medical school in America was then requiring "any preliminary examination for entrance into its course."*

The period under discussion marked the rise, and, in the matter of violence, the climax, of the industrial disturbances which accompanied the development of vast corporate enterprises. As seen above Maryland was comparatively free from the abuses under which employers in great corporations imposed or permitted conditions which created "wage slaves"—a phrase which meant, for laboring men, a great deal more in the 'seventies, 'eighties, and 'nineties than at any time since. Two of the great interstate protests of employees were particularly reflected in Maryland, first in the railroad strike of 1877 and then in the disturbances that affected the coal mining industry in 1894.†

Since these periods of financial depression necessarily affected local conditions in greater or less degree, it is well to bear in mind that there were a series of panics from Civil War days to the end of the Nineteenth Century. Apparently financial experts are agreed that prior to the passage of the Federal Reserve Act in 1913, the currency and banking system of the United States was the least scientific and the most inelastic in use in any of the great nations. Under the operation of the National Banking Act of 1863 panics were likely to paralyze business at any time that money happened to become "scarce," or when credit was controlled or commodities "cornered" by groups of men or powerful corporate interests. In comparison with some of her sister commonwealths Maryland seems to have suffered less extensively under these periods of depression. By long practice and tradition, extending from colonial days through the "hard times, dictated its policies, thus contributing, it was said, to its the sound admonitions of Governors Thomas and Pratt re-

*It may be observed that where once little education or training was required of medical students—with the consequent bad practices of those not properly equipped—considerable complaint has recently arisen that medical requirements have become so exacting and costly that many rural districts suffer from the lack of practitioners of any kind.

†*Infra*, p. 600.

peated by Governor Hamilton—the state came to be regarded as a Gibraltar of safe and sane financial operations. For this or for other reasons Maryland appears to have reflected but slightly the stress that led to rioting elsewhere in the depression of 1864. Somewhat the same thing, comparatively speaking, may be said of the panic of 1867; but it was different in respect to the panics of 1869 and 1873. Corruption and corporate tyranny, both in the exploitation of resources and men, reached its climax in the nation during the decade immediately after the Civil War. In this exploitation the financiers and business men of Maryland had little part; and a number of those who had amassed large fortunes in trade expansion were turning them to good account in establishing colleges, libraries, and hospitals.

Post-war deflation was felt by nearly all business; but those dependent upon wages or small salaries were hit the hardest. Immigrants and yet more immigrants, running into millions a year, had been the cry of big business, of communities, and of their chambers of commerce. In fact, competition for this influx increased rather than diminished, and after each period of depression, was renewed. Local business interests had complained that Baltimore and Maryland were slow in getting a proportionate share; hence, under the administration of Governor Lowndes, an official immigration commission was created; and it was provided that its superintendent should visit Europe once a year to solicit immigration in different countries.* Previously, however, in the midst of the greatest flood of "cheap labor" that this country had yet seen, work became scarce and wages were cut. In addition, much water had to be squeezed out of the standard stocks. Shrewd financiers and stock manipulators were robbing the people at one extreme; whilst violent agitators, sincere reformers, and demagogues confused them on the other. Capital and labor came to grips, and neither was disposed to compromise. In the midst of the trouble the great railroad lines

*Immigration has been heavy in war times, and from this source there had been considerable recruiting for the Federal forces. Many Marylanders favoring the Union cause were glad to secure substitutes for the front. These citizens were not lacking in bravery; but, with them, active participation meant war waged against friends, relatives, and neighbors. On the whole, it may be asserted that but for the hundreds of thousands of aliens enrolled in the Federal service the loss of man power in the production of food and other supplies might have so greatly aggravated the sporadic opposition to the draft as to constitute a general opposition that would have prevented further prosecution of the sectional conflict.

felt compelled either to increase freight and passenger rates, which would tend further to depress trade and manufactures, or else reduce wages. The Baltimore and Ohio Railroad faced the alternative of discharging large numbers of employees, whose presence on the pay rolls of the company was not justified by the great decrease in traffic, or else reduce the wages of all and hold the men over until the dawn of better times. In July, 1877, after other railroads had made pay reductions, the Board of Directors of the Baltimore and Ohio decided upon the latter course and consequently issued a notice that a reduction of 10 per cent. was necessary in the "compensation of all officers and employees of every grade in the service of the company, where the amount received exceeds one dollar per day."

Mutterings and protests, heard principally among the freight crews, were followed by the abandonment of the trains, with violence and bloodshed on an unprecedented and unexpected scale. The first serious trouble occurred on the main line at Martinsburg, West Virginia. This was followed by rioting at Cumberland and Baltimore. State troops were called out by Governor Henry M. Matthews of West Virginia; and a proclamation was issued by President Hayes with regard to conditions in that state, which had got beyond control of the authorities. In Maryland Governor John Lee Carroll was forced to call out the Fifth Regiment, July 20th; subsequently calls were made for the Sixth, and recruiting began for the Seventh and Eighth regiments. The troops were attacked on the way to Camden Station, Baltimore, and after the station had been set on fire by the mob Governor Carroll appealed to President Hayes for a detachment of United States regulars.*

Acts of violence occurred at a number of points, and fires were started, chiefly in connection with railroad property; but firemen and police responded promptly, under the immediate supervision of Governor Carroll and Mayor Latrobe; and order was restored by July 23d. While the rioting at various points in Maryland was serious, conditions in other states were considerably worse, particularly in Pennsylvania, where there

*It is of interest to note that two of these state regiments were commanded by former Confederate officers: General James R. Herbert, of the Fifth, and Colonel James Howard, of the Seventh, whilst the Eighth was commanded by General Charles E. Phelps, U. S. A.

was widespread destruction of property and considerable loss of life. The strike was reported to have cost the Pennsylvania Railroad Company alone some three million dollars, at or near Pittsburgh.*

There were numerous and lasting reactions arising from these labor disturbances, although Maryland was fortunate in the methods pursued by those who restored order. The subsequent depression in the value of the stock of the Baltimore and Ohio railroad, with suspension of dividends, had a most serious effect upon the endowment and plans of the Johns Hopkins University. Johns Hopkins had not only left the university a very large amount of this stock, but had required the trustees to hold it. Politically, however, the most interesting development in local affairs was the sudden rise in Baltimore of the Workingman's Party. It was headed by a blacksmith, who was hailed as "Honest Joe" Thompson. Having made a great appeal addressed to the masses, in a three-cornered campaign against Colonel George P. Kane, Democrat, and Henry M. Warfield, Independent, Thompson developed surprising strength; and by many of those who professed to be acquainted with conditions he was believed to have won, had he not been counted out. Colonel Kane, who was elected over Warfield and Thompson, died the following summer, and the usual conservative sentiment of the city was shown by the overwhelming majority of Ferdinand C. Latrobe over R. Henry Smith, candidate of the "Greenback" party and of the remnant of the workingman's group; for, in the meantime, Rasin had succeeded in rendering the formidable blacksmith politically innocuous by attaching him to the list of municipal

*No official figures are available with respect to the losses incurred by the Baltimore and Ohio Railroad Company. In recent years, the Baltimore and Ohio has put into effect a procedure for the coöperation of administrative officials and the thousands of employes of the company. This plan President Willard has described as not so much a formal method as a mutual attempt to arrive at an understanding between management and men. In short, agencies have been developed "whereby it is possible for the men individually, or through their collective organizations, to bring to the attention of the proper officers of the Company any suggestions which they may have which in their opinion would have a beneficial effect upon the Company if adopted." However simple this summary may seem, the results achieved under the system have attracted widespread attention. With the spirit engendered by these relations between once antagonistic forces the company celebrated its Centennial with an unusual, if not a unique, exposition that aroused international interest. In fact, the Fair of the Iron Horse, held at Halethorpe in September, 1927, so completely exceeded the expectations of its promoters that accommodations had to be immediately doubled, and the time of the exposition was extended.

officeholders—whereupon Thompson acquired the sobriquet of "*ex*-Honest Joe."

The second great labor disturbance that threatened Maryland was confined to the western end of the state. This was the strike of the soft-coal miners in 1894. Early in June Governor Brown, in response to a call from the sheriff of Allegany County, ordered out the Fourth and Fifth regiments and sent them to the scene of disorder. These were subsequently relieved by the First Regiment, and it was believed that the Governor's prompt action prevented much destruction of property and possible bloodshed.

The administration of Lloyd Lowndes brought prominently into the political history not only the figure of George L. Wellington, but those of Phillips Lee Goldsborough, and Louis E. McComas, whilst Congressman Sidney E. Mudd and William F. Stone were regarded as state and city leaders or bosses. Having organized the General Assembly of 1896, the Republicans developed a sharp struggle among themselves for the election of a United States Senator, the candidates being Goldsborough and Wellington. According to law and long established custom, the Eastern Shore was entitled to this senatorship, but with the support of the Governor and the backing of William F. Stone, Wellington was elected.*

At this session the amendment of that part of the Maryland Code affecting elections was due to a combination of circumstances which had given to a newly elected anti-machine Democrat control of the Upper House of the General Assembly. Not having a majority in the Senate the Republicans supported for the presidency of that body William Cabell Bruce, Democrat, who, with his colleague, Senator Michael, of Harford County, held the balance of power and were known as supporters of the proposed reform. The bill had passed the House of Delegates by a unanimous vote, although it was generally admitted that not a few members of the Republican majority there were hoping for its defeat in the Senate. But Bruce resisted all pressure brought to bear upon him by the Gorman leaders; and uniting with the twelve Republicans he and Senator Michael won ad-

*About five weeks later, the Eastern Shore law was repealed in the adoption of the election law of 1896.

ditional support from reluctant organization Democrats. Subsequently Senator Bruce declared that the law, as passed, "brought padded and fraudulent registration lists to an end and wiped out the connivance of the police at election outrages."[22]

Although Lowndes was open to advice and quick to correct evils the development of factions and the struggle for patronage greatly weakened the general effect of his administration. Race relations between whites and negroes were strained, and this likewise reacted against the administration. On the other hand, the conservative sentiment of the state had run so strongly against the Free Silver theories of Bryan that the Republican organization greatly profited by the anti-Bryan sentiment. Besides those prominent Democrats who had previously turned against the Gorman "betrayal" there were many others who now revolted against the Bryan leadership. For example, when the appointment of a postmaster at Baltimore was under consideration the choice lay between William F. Stone, Republican applicant, and S. Davies Warfield, Democratic incumbent and a Cleveland appointee. It was represented to the President that Warfield had done as much to carry the state for McKinley as any man of the latter's own party. Warfield was retained in office, Stone was made Collector of Customs, and James A. Gary, Postmaster General.*

In 1897 many of the leading business men in the Republican party supported Theodore Marburg for the mayoralty. The followers of William T. Malster, however, after being defeated in the courts in respect to primary regulations, proceeded to hold primaries of their own, and Marburg withdrew his name. In the subsequent election, Malster defeated Henry Williams. The Democrats, however, had now reached the nadir of their reverses. Their upward rise followed the realization by the public that the Republicans had also a machine whose recommendations for political perferment had brought into office unworthy characters. In addition the Republican organization

*In 1898, Louis E. McComas was elected to the seat in the United States Senate then occupied by Gorman. McComas had served in the House of Representatives, but had been defeated for reëlection in 1890. The wheat growers of Frederick and Washington counties in particular had resented his vote for a high tariff on binder twine.

leaders, uniting with the managers of the other party, had "made a deal" in the House of Delegates. This had resulted in the election of a Speaker of unsavory reputation, who was subsequently arrested on the charge of stealing jewelry. At this point ex-Governor Brown was called upon to take the lead in the rehabilitation of the Democratic party. It was recognized that it was essential to secure candidates of superior character; so both Rasin and Gorman yielded the mayoralty nomination to an old enemy of the city organization, Thomas G. Hayes. The subsequent triumph of Hayes smoothed the way for the election of John Walter Smith as Governor. The Republican organization and its methods, in both state and nation, were warmly denounced by Senator Wellington, and this was doubtless an important factor in the return to power of the Democratic party.

As the wars of the Revolution, of 1812, with Mexico, and the War of Secession had all begun in April, so, now, did the war with Spain open in the same month. Again the Massachusetts Sixth Regiment marched through the streets of Baltimore; but they passed amid shouts of welcome. The Maryland militia or National Guard consisted of a brigade under General Lawrason Riggs and a small naval battalion. This force was almost immediately increased by more than 50 per cent. Although none of the regimental units reached the field of operations there were many casualties from disease, particularly in the Fifth Regiment, while at Tampa. A great deal of this was due to bad management, or worse, on the part of the Federal authorities; and in the case of the commissary and supply departments unseasonable clothing and bad food amounted to criminal negligence. The naval contingent, however, were more fortunate in seeing extended service on the auxiliary cruiser *Dixie*. Then came the engagement off Santiago, and the people of the state arose almost as one to resent what seemed to be a deliberate effort on the part of the naval authorities to discredit the services of Commodore Winfield Scott Schley, who had been in command in the battle with Admiral Cervera's fleet, in order to give the laurels of victory to acting Rear Admiral W. T. Sampson, who had been absent when the fight occurred. The origin of the official controversy that subsequently took place may be traced to the publication of a *History of the United States Navy,* in

which the author, Edgar Stanton Maclay, called Schley a "caitiff, poltroon, and coward." It was disclosed that the proof sheets of this work had been reviewed by a number of naval officers, said to have been composed of a clique hostile to Schley, one of whom was Admiral Sampson. Thereupon Schley asked for a court of inquiry. The Court disagreed. The majority reported that Schley had been, prior to the engagement, guilty of "vacillation, dilatoriness, and lack of enterprise." This majority report did not, however, affirm the above-mentioned charges made by Maclay; for Schley was given credit for courage and self-possession in action. In a minority report, Admiral Dewey, President of the Court, praised Schley for promptness and efficiency and gave him credit "for the glorious victory which resulted in the total destruction of the Spanish ships." John D. Long, Secretary of the Navy, approved the majority report.*

John Walter Smith's administration, or perhaps his public career, may be said to have represented both lights and shadows. In his earlier days in politics he strongly opposed reforms which made for better conditions and practices in election procedure. He was not merely a cog in the Gorman machine, but an actively propelling force. In later life, however, his public career commanded high respect; and it would seem, therefore, that his partisanship and acceptance of things as they were, including the old leadership and methods, made him a sincere upholder of things which he afterward came to believe were wrong. It was during this later period that he expressed pride over civil accomplishments which he had previously tried to hinder or prevent. He had a large and loyal personal following, so that, for many years, he was a dominant figure in state politics, which, in the case of ex-governors, was exceptional. Governor Smith, like his immediate predecessors, Jackson, Brown, and Lowndes, took special pride in the efficient handling of the state finances. At the start of the new régime the reform element was greatly encouraged when Governor Smith supported the Baltimore Police Reorganization bill, which, during the preceding administra-

*Schley, a native of Frederick County, had seen considerable active service in the Federal Navy during the War of Secession; and he had, in 1884, been given the command of the third governmental expedition sent out to rescue Lieutenant A. W. Greely in the Arctic. This he did with promptness and dispatch. Governor Lowndes, General Felix Agnus, and Senator Wellington protested vigorously against what was termed the persecution of this Maryland officer.

tion, had twice failed to pass. By the terms of this act the appointment of the personnel of the Board was placed in the hands of the Governor in lieu of the Assembly, where for years the matter had been a fruitful source of wire-pulling and political deals.

During the session of 1902, State Senator David J. Lewis prepared a Workmen's Compensation bill, which provided compulsory compensation for miners injured by industrial accident. The measure was enacted into law and is of especial interest in view of the fact that, when President Roosevelt was investigating the general subject of employer's liability, it was discovered that this Maryland act was the only compulsory workmen's compensation law on the statute books in America.[23] Subsequently, as the representative from the Sixth District in Congress, Lewis made the most distinctive contribution that any Senator or Representative from Maryland had made since Gorman's fight against the Force bill. As a young man new to the Lower House he secured in 1912 the passage of the Parcel Post Law; and, thereby, in the face of predictions of economic disaster, broke the monopoly so long maintained by the express companies. It has been estimated that this law has saved parcel shippers something like two hundred million dollars a year, assuming that the same amount of business would have been done under the rates that had previously prevailed.[24]

In the Presidential campaign of 1900 Senator Wellington had created a national sensation by a declaration in favor of William Jennings Bryan. The Marylander gave as his reason his opposition to the Republican policy of imperialism in the acquisition of the Philippines, a result, or by-product, of the war with Spain. Popular opposition to this policy was strong in Maryland, and it seemed that the Democrats were about to carry the state; but Bryan had not outlived his connections with "the free unlimited coinage of silver in the ratio of 16 to 1." This fact, coupled with the efforts of the Honest Money League in Maryland and the funds received from the headquarters of "Mark" Hanna, McKinley again carried the state, although by a greatly reduced majority. The Honest Money League was led by S. Davies Warfield, John K. Cowen, and William Keyser. In

addition many Democrats were lukewarm or worse over the Bryan leadership. They declared he was lacking in the true Jeffersonian faith, except in the matter of tariff for revenue; in fact, it was asserted that many of his views were repugnant to the principles of the founders of the party. Consequently such Democratic leaders as former Senator William Pinkney Whyte, Colonel Charles Marshall, and ex-Mayor Robert C. Davidson, had, in the preceding Presidential campaign, helped to sponsor the Democratic division which led to the nomination of Palmer and Buckner.

Up to the Lowndes-Hooper-Malster victories, the Republican solidarity of the negro vote had been discounted by the Democrats. During the Lowndes and Malster régimes in Baltimore and Annapolis a minority of the colored population had made themselves particularly offensive to the better element of both races, so that the "race problem" was, for the next decade, sharply injected into politics. The matter attracted exceptional attention in connection with the Federal Census of 1900. It was charged, and eventually established, that some of the census enumerators working in southern Maryland had falsified the figures in order to give those counties which had passed under the control of white Republicans and Negroes an undue preponderance in representation. The frauds were made the occasion for calling an extra session of the General Assembly in March, 1901. Not only was a state-conducted census ordered, but efforts were made to curb the illiterate part of the negro vote by the passage of legislation to abolish the custom of voting for candidates indicated by party emblems. For some years there had been a considerable migration of negroes from other states and from the Maryland counties to Baltimore, until for a while the city contained the largest concentrated negro population in the world. It was charged that, upon the urgent representations of Gorman, Governor Smith had called the extra session for the purpose of changing the election laws on behalf of the reëlection of Gorman, rather than to correct the census frauds. Consequently the independent element evinced no little distrust of the purposes of the Democratic organization. The election of 1901 was, therefore, a close one, the Democrats winning by a very narrow margin.

One of the most interesting political events in the

modern history of the state was the single-handed defiance of the "machine" by Isaac Lobe Straus. When the leaders went back upon their promises to support Straus for the speakership of the House of Delegates Straus defied them; and after the Legislature had been in session a short while, it was found that he had effected a working agreement with the Republican delegates and a few Democrats by which he held in his hands control of the House. It was a remarkable individual triumph and the "organization" programme was wrecked. Using his powers wisely, with the invaluable aid of publicity given by the independent press, Straus was able to formulate and steer through the House much progressive legislation in the form of a Corrupt Practices law, a Primary Election law, and a number of minor acts designed to protect the people in matters of health or against frauds. In only one thing did he "go with" the leaders; he did not oppose the election of Gorman as United States Senator.

This independent procedure of Delegate Straus was followed by the announcement of Edwin Warfield that he was a candidate for Governor to succeed Smith, and that he did not purpose seeking the honor at the hands of any man or group of men; but that he would be beholden to the people, who could now express their preferences in the primaries. Aided by excellent publicity, Warfield developed such popular strength that the politicians felt obliged to fall in line behind him; he was nominated and elected Governor over Stevenson A. Williams, the very admirable choice of the Republicans. During the Assembly session of 1904 a split developed between Rasin and Gorman that did as much as the independent vote to overthrow the power of both. One result of this division was the election of Isidor Rayner to the United States Senate.

While the Legislature was in session, the great Baltimore Fire devastated approximately one hundred and forty acres in the heart of the business section of the city. The fire began on the morning of February 7, 1904, and raged without cessation for nearly two days and nights. Two thousand four hundred firms had their places of business destroyed. The General Assembly took appropriate action to safeguard the ruins and the stricken interests. Upon the recommendation of Governor Warfield a

resolution was adopted declaring a moratorium with respect to the payment of drafts, notes, and bills of exchange. This suspension extended over a period of two weeks. Fortunately, the city had as Mayor an excellent executive, Robert M. McLane, nephew of the Governor of that name. McLane had been elected over Frank C. Wachter on an exciting campaign in which his plurality had been considerably less than a thousand votes. The courageous spirit of the city was made clear to the world when, in response to offers of aid from other communities, Mayor McLane declined financial help, saying that "Baltimore will take care of its own." In fact, Baltimore, in several respects, established a record in the matter of reconstruction—from the creation of a vast sewerage system, begun shortly after the fire, to the resurfacing of the streets, the major part of which was completed several years later. Also, the city and state took a proportionate part in commemorating two great national anniversaries: at St. Louis, in 1904, in celebration of the one hundredth anniversary of the acquisition of the Louisiana Purchase; and, but three years later, in Virginia, in celebration of the three hundredth anniversary of the founding at Jamestown of the first permanent English settlement in America.*

At this time, Republicans as well as Democratic voters, particularly those of independent proclivities, had before them a knotty problem. Popular enthusiasm had been awakened by the platform of "white supremacy" when first announced in 1903. The Negro race represented a solidly partisan mass in the body politic. Moreover this mass had by far the largest proportion of illiterates. Consequently it became increasingly clear that a very considerable number of the most intelligent people, of either party, strongly desired to limit the less intelligent portion of this vote—in accord, whether consciously of not—with the proposals made by President Lincoln to Governor Hahn of Louisiana forty years before.† Under the circumstances Senator Gorman came to the conclusion that since the people had shown general

*The Burnt District Commission, under the direction of Sherlock Swann, chairman, proceeded with broad plans for restoration, expending millions of dollars for the purpose of widening streets and establishing market places and docks.

†"I barely suggest for your private consideration, whether some of the colored people may not be let in. As, for instance, the very intelligent," etc.—Lincoln to Hahn.

approval of the proposed restrictions, he would, as leader of the organization, cause to be written into the measure a clause that would serve to eliminate as much of the Negro vote as might be necessary to insure Democratic as well as white supremacy—or at least such was the implication generally drawn from a certain special feature of his proposal, which was inserted in the measure presented in the General Assembly against the dissent of John P. Poe, the directing genius behind several Democratic platforms, state and national. In other words, over and above the proposal for the elimination of illiterates at the polls there was inserted a provision that required the applicant for registration to show ability, not only to read a section of the Constitution, but also to give a "reasonable explanation" of the same, the registration officials being the judges of the applicant's explanation.*

The last phrase caused great dissatisfaction. It smacked somewhat of the judicial powers exercised by registration officials from 1861 to 1867. In the election of 1903 scarcely a voice in the dominant party had been raised in opposition to placing restrictions upon the illiterate vote. In fact, many conservative citizens felt that the Fifteenth Amendment carried no moral obligation in that it had been forced upon the people of a number of the states against their will. Again, although it had become a part of the Constitution the methods used in securing its adoption had been decidedly at variance with the spirit of that instrument and with the genius of the dual system of governmental responsibility established by the founders of the Republic. With the Gorman clause attached to the proposed limitation of suffrage, however, there came a marked change in sentiment. The independent element feared that machine rule would be perpetuated in such a way as to make it impossible to shake off the dominance of the political managers, who would once again become indifferent to public opinion. Although Governor Warfield had been elected on a platform in which the doctrine of "white supremacy" had been made a paramount issue he now led the opposition to the amendment, as proposed by the party managers. Out of these differences arose an interest-

*Voters registered prior to January 1, 1869, and lineal male descendants of such persons were exempt from this test. This provision was known as "the grandfather clause."

ing legal problem. The General Assembly had passed the act by a vote sufficiently large to overcome a veto. In order, therefore, to avoid the public effect of such procedure the amendment was not submitted to the Governor for approval, whereupon Warfield refused to issue the proclamation required for the submission of the measure to the people. The question was taken before the judges of the Court of Appeals, who decided in favor of the contention of the Legislature. In the November elections of 1904 the amendment, as a Democratic measure, was rejected by 30,000 majority; while, at the same time, a number of prominent Democratic officials were elected by varying pluralities.

Subsequently the amendment, without the features that had been especially denounced by the independents, was approved by the General Assembly of 1908 and resubmitted to the voters in the election of 1909, where it again met defeat, but by a much reduced majority. Democrats and Republicans alike had proclaimed the amendment to be the chief issue in the campaign; but there is no doubt that the assertion in the Republican platform that the passage of this legislation "would make Maryland a one-party State" appealed strongly to the popular imagination. Besides, a large foreign element in Baltimore feared that the measure would serve to disfranchise whites as well. For the most part, except in Baltimore, the Democratic legislative candidates were elected, whilst their "paramount issue" was undergoing a second defeat, made final when the so-called Diggs amendment was rejected in 1911.*

The administration of Governor Warfield represented a new era, which had come about by the independence of Governor Brown, the defeat of the Democratic machine in 1895, and by the passing of the two long-recognized managers of the dominant party; for Gorman and Rasin both died within this period. Consequently, 1907, the year for the gubernatorial election, found the majority party without a definite recognized commander in chief in state or city. In Baltimore the groups headed by John J. Mahon and others were just beginning to take hold.

*It may here be added that the General Assembly had already undertaken to protect the state from the importation of negroes for voting purposes by the passage, in 1900, of a law requiring preliminary registration of those who moved into the state, at which time they were to indicate their intention to become citizens. Prior to this act Virginia negroes had been temporarily colonized in Maryland for the purpose of voting in the elections.

Smith's status was not equal to that so long held by Gorman; while Governor Warfield was at war with many of the major and minor professional followers of politics. On the other hand, Warfield's popular support at this time made him a force to be reckoned with in the choice of policies and candidates. Feeling that the method of choosing United States Senators had long been a source of scandal, Warfield lent his support to the movement sponsored by State Senator Blair Lee that the voters he permitted to indicate their preferences in party primaries. In principle the plan was adopted by the Convention, but with an amendment that instead of a majority of the whole vote of the state dictating the choice of Senators, the wishes of the people of each elective unit should direct the vote of its respective representatives in the General Assembly.*

The leading Democratic candidates for Governor were Henry Williams and Joseph D. Baker—both of whom were recognized as men well fitted for the chief office in the gift of the state—and Austin L. Crothers, who was regarded as a machine politician. On the other hand, the Republican Convention had before it two meritorious candidates in Phillips Lee Goldsborough of the Eastern Shore and George R. Gaither of Baltimore City. Because of the promise of support by the Baltimore *News,* the Republican organization chose Gaither. To an extraordinary extent the campaign developed into a press war between the *News* and the *Sun;* for the latter journal had supported the nomination of Crothers. The extreme bitterness of the attacks made upon Crothers, who was seriously ill during the campaign, appeared to react in his favor. He was elected and made an excellent executive. In this first opportunity that the people of Maryland had in the matter of expressing their preferences for Senatorial candidates William Pinkney Whyte was unopposed for the remainder of Senator Gorman's term; and John Walter Smith was the choice of a majority for the long term following. Consequently, when the General Assembly met in 1908, the selection of a United States Senator was, for the first time, foreordained or directed by the previous vote of the people.

Evidently desirous of giving his best services to the state, Governor Crothers devoted himself to a study of the needs of

*These units were the twenty-three counties and the legislative districts of Baltimore City.

the commonwealth and the business in hand. In fact, contemporary opinions show that he gave more time to his office than any executive of his day and generation. Following up the ideas of his predecessor he advocated and secured an extension of the primary election law and other measures designed to correct or do away with long-standing abuses.* Chief among these remedial measures was a more stringent Corrupt Practices Act, with definite provisions for the prosecution and punishment of offenders. But other legislation urged and secured by Crothers were the creation of a Public Service Commission and a comprehensive plan for the improvement of the state highways. In several instances he had the coöperation of representatives of both parties on behalf of progressive legislation, such as the passage of the first State Child Labor Law. Governor Crothers sought to put public welfare before partisan politics in the appointment of officials; and, like Lowndes, he had the courage to remove those who were shown to have betrayed their trust. While he frequently consulted the leaders of the "organization" as to appointees he did not consult them with respect to his policies. Possibly the thing that most troubled professional politicians was the Governor's policy of retrenchment in the matter of expenditures. As to procedure in these matters, he instituted a kind of cabinet, composed of officials at the heads of the different departments in the service of the state.

The passage of the law creating a Public Service Commission deserves more than a passing notice. Although the existence of this regulating body is now accepted as a matter of course, and although it is generally admitted that with respect to the corporations and the public better relationships have been established because of it, many of the large business interests mobilized their forces for one of the most prolonged and bitter fights that had ever taken place in the General Assembly. Conservative men not directly interested denounced the measure as a product of socialism. The opposition was so strongly organized that the bill would hardly have been passed had it not been for the in-

*There are those who do not hold that the primary legislation belongs to the credit side of Crothers's political balance. These objections are due partly to prejudice against all popular changes in political procedure and partly to the weaknesses that have developed in the working of the system; yet there can be little doubt that the introduction and extension of the primaries ended a great many evils then existing in the political situation in Maryland, even though new ills have served to disappoint the more optimistic predictions of the reformers.

fluence and support of the strongest newspaper in the state. The latter had originated the investigation into the working of the New York law and had also exposed the fact that the utility corporations not only maintained influential lobbyists at the capital but frequently had their employees in the General Assembly. Governor Crothers was adamant in his determination to rectify, if possible, these corporation abuses, which had been concomitant with the advent of the modern era. This was called progressive legislation; but it is interesting to note that the traditional conservatism of Maryland was illustrated by the Governor's comment on the selection of the personnel of the Commission. This comment was, in part, as follows:

> The regulation of public service corporations by a Commission is a new thing in Maryland. I want the law administered by conservative men who will be swayed neither by the clamor of the public nor the influence of the corporations. I do not want the law used for the wrecking or the injury of the corporations, but only to see that both the people and the corporations get fair play. Therefore, I picked older men in whose sound judgment I have every confidence. I wanted men with no political ambition so that they would not persecute corporations in order to secure popular support or, on the other hand, seek the support of the corporations themselves.

Although the fight for the Public Service Commission was won in the General Assembly of 1910 that session saw the formation of a political combination which hampered the Governor greatly. Some of the corporations felt greatly aggrieved, and they joined with big and little politicians in making the path of the executive a difficult one. Unfortunately, in a special effort to avoid corporation influences, Crothers had brought about the election of a Speaker of the House who was unable to cope with the situation. Consequently, the executive plans for the elimination of unnecessary public employees and office-holders were not only defeated, but new offices and expenses were created in lieu of the proposed economies. The Governor desired to carry out these reforms by bringing the matter before the people, but he soon perceived that without the support of the regular organization, he could not secure the nomination for a second term. He therefore retired from the field, and State Senator Arthur Pue Gorman, Jr., won the nomination over Blair Lee of Montgomery county.* Evidences of fraud were

*Senator Lee had a wide following throughout the state on account of his active advocacy of legislation looking toward the removal of election abuses, the abolition of that form of political patronage which involved a secret pay roll, the crea-

discovered in the Democratic primaries in Baltimore City, by which Thomas F. McNulty, candidate for sheriff, had been "counted out." This scandal and the apparent reëmergence of the old Ring in obstructing the retrenchment programme of Governor Crothers militated against the party. Perhaps, also, the name of Gorman had become so closely associated with boss control that this was the determining point in his defeat; for, by way of contrast, his associates on the ticket—Emerson C. Harrington, Comptroller, and Edgar Allan Poe, Attorney General —were elected by comfortable pluralities, while the Republican candidate for Governor, Phillips Lee Goldsborough, carried both city and state, being the second successful gubernatorial candidate of the Republican party since the close of the Civil War.

In 1912 the most important event, of a political character, was the Democratic National Convention, held in Baltimore, at which Woodrow Wilson was nominated over Champ Clark after one of the most dramatic struggles ever associated with party conventions. Prior to the Convention, the Democrats of Maryland were divided. Many of the political leaders strongly favored Clark; but the independent element was ardently for Governor Wilson; and, in November, the state gave the latter its electoral vote. By a strange coincidence the Democratic party had divided in Baltimore a little more than a half century before. After a lapse of fifty-two years the Democrats again met in Baltimore; and this time, because of the war between Taft and Roosevelt, it was the Republican party that was split. Both Lincoln and Wilson were chosen by a minority of the electorate.

It is now in order to take up the consideration of other topics, which properly are a part of the story. During the whole of this period customs and conditions were passing through a period of rapid change. In the older and more settled communities, people were no longer content in their once-restricted orbits. Although slave labor may not have been efficient in ante-bellum

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tion of the Public Service Commission, and other progressive measures, many of which were made into law only after protracted struggles. Although he failed of election to the highest office in the gift of the state, his career may be likened to that of Governor Hamilton; and his was a wholesome influence in the body politic.

days, it was at least available. Young men flocked from the country into the towns and cities, and these were not necessarily Maryland communities. New York, in particular, proved especially attractive.

The change in customs and habits was especially noticeable in southern Maryland and may be illustrated by an act of the General Assembly of 1870, which provided for the elimination of gates upon the public roads of Anne Arundel County. To modern motorists, accustomed only to the unobstructed highway, the conditions calling for such legislation would appear incredible; but to those who were brought up in one of these gate-infested districts, which, in some localities, persisted to the late 'nineties, it is a different matter. One may recall the opening and shutting of a dozen or more gates in a matter of four or five miles of travel. Rain or shine, mud or dust, these portals had to be opened and closed; and, although a few would obligingly swing to upon passage, others more than made up for this helpfulness by hanging heavily on the ground both going and coming; and over that route it may be recalled there passed a country doctor several times by night and day; also that he lived more than fourscore years and remained an optimist to the end; to which it may be added that he probably effected as many cures by dint of human sympathy as by scientific skill. He, too, has disappeared, along with the dashboard rider and the wooden gates. Again, for those of large hearts but limited means, the servant problem made unlimited hospitality increasingly difficult; nevertheless, the old style household entertainments persisted for several decades. According to old letters, and still-living participants, it was a common sight, on Saturdays and Sundays, to see hitched about the "yard" from ten to thirty horses, with or without vehicles. This represented a neighborhood gathering of friends, relatives, and urban visitors; and all were expected to remain to dinner. This was a feast unexcelled in quality and quantity, with several kinds of meat, usually fried chicken and smoke-cured hams; sea food in the form of diamond-back terrapin, crabs, and oysters; vegetables in season; and several kinds of hot bread, which frequently included much-beaten biscuits; and, to dwell upon one article only, cakes that called for eggs, not in two's or three's, but by the dozen. Ice cream was almost an invariable accompaniment of the cake; and it was made

on the place with a richness of ingredients unknown to modern manufacture.

In the central counties careful farming had become traditional in the old established families of German descent. These people were the thrifty, if somewhat phlegmatic, type with whom the dwelling house was, in proportionate size and importance, a building much inferior in size to the great red barn. Here were men who made a fair living out of the tilling of the soil; and under them Frederick County, for instance, was officially rated at or near the top of the farming districts in the East. Having acquired a comfortable competence many of these farmers built for their old age a modern house in the nearest town, while "the boys" carried on the active operations of the old homestead.

On the other side of the bay the Eastern Shore people were blessed with a mild and equable climate. From the earliest times they had practised the generous virtues of hospitality. It was a land of romance; of honest shipping and private wharves; of secret landings and pirate coves—all of which has provided a fertile field for the novelist; and more recently, for good or ill, the photo drama. In colonial days, separated as they were from the restlessly growing West, the people had tended to conservatism. This had shown itself at the outbreak of the Revolution. Despite the fact that a large proportion of those who lived upon the bounties of nature by land or sea were not members of the Established Church and, therefore, presumably the more inclined to rebellion, they were averse to change. Subsequently the advent of railroads brought immigration and a new order. Truck gardens became more and more an item of economic importance, as the railroads took trade and travel from the Eastern Shore to Philadelphia and the North. Again, if it be true, as so often asserted by authorities on civic obligations, that an active interest in politics is a civic virtue, it may be stated that the people of the Eastern Shore are entitled to high honors. Everybody is interested; and, although no one seems to have computed the proportion of officeholders in relation to the population of the two shores, it is generally believed that this section has not been neglected. Moreover, throughout the various counties and districts political problems have been strongly flavored with personal and neighborhood predilections.

That the people of the Eastern Shore have, in the past, re-

garded their compatriots of the western part of the state with some degree of suspicion is shown by the effort, referred to in a preceding chapter, to insert a provision in the State Constitution to the effect that either shore could peaceably withdraw from the other, a proposal that was supported by the majority of the Eastern delegates. Again, in the Constitutional Convention of 1851 a similar proposition was approved by many of the Eastern Shore representatives, who finally were successful in securing the adoption of a provision which required a different procedure in amending the Constitution in regard to any matter that would especially affect the interests of the Eastern Shore. Lest, however, these moves on the part of Eastern Shoremen seem to show lack of a proper spirit of coöperation, it should be stated that the plan suggested was merely a frank way of expressing the distrust held by the longer-settled and more conservative East for the expanding West. This was usually accompanied by a similar feeling on the part of the West. In colonial days differentiation of interests developed between the lowlands and the up-country—in practically all the thirteen colonies. Later, sectional differentiation and interests sprang up between the older states and the settlements established across the Alleghanies.

But one may not rightly leave the discussion of the older sections of Maryland without reference to the evidences of culture and appreciation of the fine arts still to be seen in the old houses on either shore, from the finely paneled walls and hand carving of the Abbey, a dwelling begun at Chestertown in 1668, to the unequaled grouping of Georgian mansions that grace the ancient city of Annapolis. The Abbey, for example, beautiful in its chaste simplicity and its unusual environment just off the Chester River, had, in common with some other houses, a secret stairway and an underground passage by which its owner could reach the water and secretly, if necessary, take ship for the other colonies or for Europe. Here the historian is tempted to usurp the place of the architect and expand upon these features almost indefinitely, not only because of the exceptional charm of these old dwellings, but because of their infinite variety. By way of illustration, Widehall, on the neighboring river site at Chestertown, built in the first half of the Eighteenth Century, is constructed on a totally different plan from the Abbey. Each not-

able house on either shore is likely to present at least one feature which is unusual or unique, so that one comes to feel that a visit to these mansions of colonial Maryland constitutes a liberal education.*

Still another type to be noted are the people of the far western section. In the midst of mountains farming was often difficult or impracticable; but rich returns came from under the ground in various forms of mineral wealth. People and business partook of the characteristics of Pennsylvania on the one side and West Virginia on the other. Hence it is that Maryland has offered, and still offers, the most unusual variety in soil, people, and customs, besides being unique among her sister commonwealths in the character and extent of her water frontage.

In Baltimore, after the War of Secession, society gave itself up to entertainments devoted to the raising of funds for the relief of the impoverished people of the South, who were suffering from a Federal supported system of spoliation worse, because practically universal, than the ravages of war. In all it seems that there has been no commonwealth more generous to those in need, from the occasions when food and supplies were sent to Massachusetts in 1775 to those when provisions were sent South in 1865 and throughout the following decade. In 1868 a formal resolution of the General Assembly eulogized Mrs. Benjamin C. Howard and the Ladies' Southern Relief Association for "the timely aid afforded to the suffering in the Southern States."

But regardless of social changes certain age-old political procedures persist in and are peculiar to the Old Line State, in matters of spirit, in tradition, or in form. In the matter of representation Maryland has been likened to a "confederacy of counties," or a federated republic—the counties and the city of Baltimore, or its legislative districts, being comparable to the states in the Federal Union. The comparison is heightened when it is recalled that in 1836 the people of Prince George's organized and equipped a company and offered their services

*Several Georgetown houses in the present District of Columbia were built originally on Maryland soil. One of these, "Bellevue," has been purchased by the National Society of the Colonial Dames of America. In his *American Adventures*, Julian Street has compared the long low wings of this house to "beautiful arms flung wide in welcome and at the end of each, a building like an ornament in an outstretched hand."

to Governor Veazey—in support of a then prevailing law, to be sure, but in opposition to a policy advocated by other county units. So in 1830 McMahon wrote:

> This was the system under which the framers of the constitution had grown up, and with which they were familiar, as interwoven, not only with their own institutions, but also with those of the parent country. It was also accommodated to their shore and county jealousies; and being thus identified with the feelings and habits of the people, it is probable that any attempt to repudiate it, and to substitute in its stead a representation based upon territory, property, or population, or on a ratio compounded of any or all of these, would have alienated the affections of many of the inhabitants, would have roused the jealousies of the smaller counties, and would have left the State the prey of internal dissensions, at a moment when all her energies were required in her struggle for independence.*[25]

The above analogy may easily be overdrawn. The counties in Maryland have always been held to be subservient to and dependent upon the government of the state. On the other hand the counties are endowed by the General Assembly with a number of important powers in the matter of levying and collecting taxes, borrowing money, etc.; whilst each county elects its Senator and its proportionate quota of delegates to the General Assembly.†

The growth of Baltimore Town very early injected into the county system a new element. A sense of justice indicated the need of additional representation for so extraordinary a center of population. In the first place Baltimore[28] may be said to have inherited in the State Constitution of 1776 that which had been bestowed upon old St. Mary's City: *viz.*, the privilege of elect-

*"A peculiar feature of our system of government," says another commentator, "founded probably in the implications of our feudal inheritance, is our system of county autonomy. Other States have, I think, very unwisely adopted constitutional provisions prohibiting local legislation. Their legislatures are compelled to make Procrustean laws,—or avoid doing so only by cunning and insincere devices. Such provisions, however, only reflect the prevailing American insanity for reducing all things to a single standard. In Maryland we dissent from this idea. We do not assume that Garrett County needs the same laws as Worcester. Furthermore, we are willing to allow the delegation from each county, within the limits of reason, to decide for themelves what laws shall be enacted for their own county."[26]

†It may be noted that the Maryland counties are incorporated political units, and yet may have within their boundaries incorporated towns, by special sanction of the General Assembly. In 1910 Cumberland adopted a commission form of government. The short ballot, without party designations, is used in voting for Mayor and Councilmen. After election each Councilman is specifically designated as a commissioner of one of the four administrative departments, thus fixing definite responsibility upon the individual. The Cumberland plan has won the hearty approval of the community.[27]

ing special representatives to the General Assembly. The "catechetical form" of a textbook published in Baltimore in 1808 by G. Dobbin and Murphy, develops the following information about the Maryland metropolis as it was at the beginning of the Nineteenth Century:

Q. Which is the largest and most commercial town in the State?
A. Baltimore, situated on the Patapsco in 39° 20′ N. latitude; by far the largest in the State, and the third in the United States in point of commercial importance, and population; it has had the most rapid growth of any town on the continent; it contains about 35,000 inhabitants.
Q. What public buildings does Baltimore contain?
A. Besides 25 houses dedicated to religious worship, Baltimore has an Old Court House,* a new and handsome Jail, a Theatre, a public Library, four spacious Market-houses, and an elegant building nearly finished for the Union Bank. Among the buildings of public worship now finished, the first Presbyterian church claims the preference as a handsome specimen of recent architecture; but the Roman Catholic Cathedral now building must when finished excel.*[29]

In 1851 the city was definitely made a political unit. The separation from the adjoining counties proved to have many advantages that large municipalities in other states have lacked. It avoided, for example, a great deal of the confusion in responsibility between county and city governments within the same area. On the other hand, it had the disadvantage of having continuous and contiguous urban growth, under nonurban conditions, extend into the area of the neighboring counties. This difficulty has been met from time to time by expanding the city limits, although always at the cost of a prolonged political struggle. It was unfortunate for Baltimore that the decade (1850–1860) which saw the city start as a separate unit, should also have seen its worst period in municipal disorder. As previously pointed out, the reform element in the city petitioned the General Assembly to introduce the unusual or unique departure of delegating to the Legislature the appointment of police commissioners for the city.†

It is impossible and perhaps undesirable to enter into the details or successive steps of the century-old struggle of the city

*A new one is now building.

†Subsequently this was changed, and the power of appointment was given to the Governor. Again, in 1920, by way of centering responsibility, one commissioner was appointed. In this year a majority of the people of Baltimore voted in favor of keeping the appointing power in the hands of the Governor of the state rather than returning that prerogative to the mayor of the city.

for representation, somewhat in proportion to its population, in the Senate and House of Delegates. It has been a struggle common to American municipalities of exceptional size; and the objections to increases for the city is well exemplified by the fact that to date (1929), the Federal Congress has, since the Census of 1920, ignored the mandate of the Constitution with regard to reapportionment in accordance with the results of the findings as to population. Besides the opposition on the part of the representatives of states likely to lose by reapportionment, there is the centuries-old distrust of the rapid growth of urban influence and power; which, in a peculiarly aggravated form, has been immortalized in Macaulay's epigram upon represented ruins and unrepresented cities.

With respect to the relations between Baltimore and the state or the counties it may suffice to say that the contention for increased representation has invoked special protests by organized groups. These groups have attempted to secure more equitable representation for the city, which, although it embraces the greater part of the population of the state and pays more than two thirds of the expenses, has about one third of the delegates and approximately one fifth of the Senators in the General Assembly. Shortly before the city annexation or enlargement in 1918 it was shown that the majority of the Senate came from election districts in which were included a population of only 302,000 out of a state-wide population of 1,300,000; and that nearly the same disproportion existed in the choice of the House of Delegates. Again, in 1922, after annexation, sundry civic organizations of Baltimore appealed for an increase of thirteen delegates and ten Senators, with the proviso that the city should be forever limited to a maximum representation of 40 per cent. of the total state population, regardless of growth.[30]

During the first part of this period it was asserted that the rate of taxation drove manufacturing away from Baltimore and Maryland to less desirable sites in Philadelphia; and that whereas in 1860 Baltimore was larger than Philadelphia, the latter city had more than doubled the Maryland municipality. Complaint was made that Baltimore had taxed not only the property but also the equipment and material of manufacturers, while Philadelphia forbore laying any taxes upon the latter. On

the other hand, a conservative element contended that vast or sudden accumulations of wealth, when built upon special privileges, bred civic corruption; and that Philadelphia endured and condoned political evils which the people of Baltimore had come to regard as intolerable. But whether extraordinary inducements and special privileges offered by municipalities for increases in business and population be good policy or not, legislation was secured granting Baltimore greater latitude in matters of taxation. This made possible city ordinances in 1915 and 1919 exempting manufacturers from taxation on machinery, equipment, raw material, goods, and bills receivable.* Partly because of measures such as this, and for other reasons, such as new political and commercial leadership, the city began to enjoy a period of growth not unlike the expansion associated with the cities of the West and South. Baltimore, therefore, has been called "the newest of the old cities," and one of its distinctive features is the absence of tenement districts, so generally the curse of municipalities that acquired their growth at an earlier period; it is peculiarly a city of homes.

After the rebuilding of the burned district much of the growth referred to, which has also greatly promoted the material well-being of the state, was effected under the successive administrations of James H. Preston, from 1911 to 1919, a matter that may properly be taken up in this connection. Baltimore, after its periods of early Nineteenth Century enterprise, had, at the beginning of the Twentieth Century, begun to fall behind her sister municipalities of the Atlantic seaboard. The city had taken on some of the aspects of an Old World community. Among these were its rough streets paved for the most part with cobblestones. In addition Baltimore had the unenviable distinction of being the largest city with surface drainage and no modern sewerage system. After the Great Fire these conditions loudly called for change; but the community was, in its relatively overtaxed condition, staggered by the prospective cost of extraordinary improvements and by the fact that no city of its size had before attempted the installation of such a vast system. On the other hand, the necessary reconstruction after the fire had

*The Annexation Act of 1918 provided for such exemption in the territory thereby included within the new city limits.

awakened ambition for leadership and active effort. While conservatives cried enough, progressives clamored to go onward. Unusual executive ability for carrying on the large programme was supplied by Mayor Preston in a manner that, at first, was not appreciated; for, more openly than his immediate predecessors, Preston had been the candidate of the professional politicians, then headed by a triumvirate, one of whom was a paving contractor. With the active aid of this trio, Preston was nominated over Mayor J. Barry Mahool, whose supporters declared he had "made the town free from graft."

Under these circumstances a large number of Democrats "scratched the ticket," and Preston won the election over ex-Mayor Timanus by a plurality of but 699 out of a total of approximately 100,000 votes cast. Almost his first act was to award a large paving contract to the business member of the above-mentioned trio; but this award was followed by the sensational and summary dismissal of the contractor on the charge of not doing the work according to specifications. Like Governor Crothers, Preston devoted that kind of hard work and personal attention to public business which is usually associated with the management of private enterprises; and a feature of his administration was the recognition and encouragement of ideas for the benefit of the community, regardless of the source from which the ideas emanated. It was again demonstrated that vast amounts of money could be expended for public purposes by public officials without the accompaniment of private or corporate scandals. In this period was completed the sewer system, begun under Mayors Timanus and Mahool; thirty miles of new streets were opened or ordered; and upward of two hundred miles of cobblestones, or its antiquated substitutes, were replaced by new paving. The opening of the Key Highway, with the Harbor Belt Railroad, was constructed as a part of the water front for the development of commerce and factories. Inspection of the newspapers of Baltimore shows that the city had, since the earliest records, suffered from the recurrence of disastrous floods, especially along the route of the principal water course through the old city. In pursuance of previous recommendations of Mayor Mahool,* Preston directed the covering of this stream; and the quondam "central sewer" of Jones Falls be-

*Annual Messages, 1910, 1911.

came the Fallsway, an invaluable artery for heavy traffic. The new era saw the introduction into the city and state of much business, the most important of which was bringing to the state, in the neighborhood of Baltimore, the vast Bethlehem Steel interests.*

On the other hand, the Preston régime was widely censured with regard to the personnel of its Board of Education and Health. The administration began with sharp antagonism on the part of educational and medical authorities accentuated by brusqueness at the City Hall. Both sides were wrong, in part; and both were also right. The Superintendent of Schools, having first been successful in doing away with certain political and scholastic ills of long standing, had then proceeded to establish an educational "machine" which would brook no opposition to its autocratic methods, particularly in the development of educational theories, some of which were highly impractical. He had also antagonized the sentiment of a large proportion of the community. On the other hand, the summary dismissal of the superintendent aroused strong fears of the reintroduction of political control of the school system. It turned out, however, that such was not the executive intention, but it took time for the better element to understand this phase of the situation, and the school system suffered from uncertainty and disorganization.[32] A similar situation developed in the Municipal Health Department. Here, however, changes for the better occurred more quickly. Mosquitoes had, probably from the founding of the city, made for discomfort, illness, or even death. Mayor Preston inaugurated a departure in municipal sanitation when he sent for Colonel William C. Gorgas, then fresh from his achievements in the Panama Canal Zone. Colonel Gorgas outlined a scientific plan of procedure, which, adapted to the needs of the city, was carried out; and Baltimore was practically

*A complete résumé of municipal progress and improvement during this period of exceptional expansion is impossible; but, because that which adds to the growth of Baltimore is proportionately reflected in state tax returns the following items should be mentioned: The construction of new bridges and the elimination of a number of grade crossings; the completion of a high-pressure fire-protection system for the business district; the acquisition of Baltimore County property for the extension and protection of the water supply; the construction of driveways and the extension of streets by which the development of new areas was made possible; a new condemnation law; the abolition of the fee system in certain municipal activities; with original departures in public recreation, such as the creation of the Baltimore Symphony Orchestra and the promotion of municipal music.[31]

freed from a plague which had been regarded as beyond control.*

In 1919 the dominant political organization in Baltimore developed discordant elements. This contributed to the election of William F. Broening, who, after four years' interim, was reelected in 1927. The reorganization and improvement of the public schools had been a major plank in the Republican platform. A committee was appointed to survey the general situation with regard to the needs of the city; and a considerable number of improvements were recommended, which, on account of higher post-war costs, called for loans for educational and other purposes amounting to $76,000,000, with authorization for the extension of a water system calling for $25,000,000 additional. At this time, also, the city undertook the novel municipal experiment of erecting a public stadium.

Under Mayor Howard W. Jackson (1923–1927) a departmental reorganization was inaugurated. In accordance with the Democratic campaign pledge Jackson appointed a Commission on Efficiency and Economy, whose recommendations resulted in the abolition of several boards and the consolidation of others. This administration also received credit for establishing a pension system for municipal employees which actuaries have pronounced one of the best in the country. Loans for additional improvements were authorized, amounting to $69,000,000.

The result of these measures during successive administrations, coupled with the energy and enterprise of various civic associations, has enabled Baltimore to regain the prestige that was hers in the first half of the Nineteenth Century. It may be especially observed that, after a period of comparative stagnation, the city's harbor, equipped by nature with exceptional advantages, has, under modern development, made the chief city

*In 1916 a contest, approved by the President of the United States, was announced in the public press, the purpose of which was to secure a summary of the political faith of the Republic. By reason of an appropriation of $1,000 Mayor Preston secured for Baltimore, "the birthplace of 'The Star-Spangled Banner,'" the privilege of offering the award for the successful composition. Of the thousands of creeds submitted the best was presented by a Marylander, William Tyler Page. This was a compilation entitled "The American's Creed," setting forth in one hundred words the major principles underlying the creation and maintenance of the American Union as expressed by its founders and leading statesmen. On April 3, 1918, in the midst of the most critical period of the World War, "The American's Creed" was formally presented by the United States Commissioner of Education and received in the name of the American people by the Speaker of the House of Representatives.

of Maryland the second United States port in foreign trade and the first in trade *via* the Panama Canal. The fact that two thirds of a water front totaling one hundred and twenty miles is yet to be developed, coupled with the manufacture, within or near the city, of more than two thousand different commodities, apparently assures the continuance of the expansion that was begun after the Great Fire of 1904, the story of which may be fittingly brought to date by the announcement, in 1929, of the advent of the Western Electric Company, which plans to erect, within the city itself, a plant offering employment to additional thousands.

Returning to state affairs it may be first noted that, in the matter of appointments to commissions and boards of public service or welfare, Governor Goldsborough aimed to avoid the pitfalls of party politics. His appointments were generally approved by the independent press and public, especially with respect to state and city commissions. His administration was marked by the passage of a measure creating a People's Court for Baltimore City, the passage of amendments to the Child Labor Law, and a bill regulating and limiting the hours of work for women. During the session of 1914 an Industrial Accident Commission was created, accompanied by legislation based on the recommendations of the Commission on Taxation. There was, also, appropriate legislation based on the recommendations of the state-wide educational survey made under the auspices of the Rockefeller Foundation. A particularly happy feature of the administration was the execution of the good roads legislation enacted under Governor Crothers. The Governor appointed, as chairman of the State Roads Commission, O. E. Weller, who made an enviable reputation in laying the foundation of the excellent system of good roads which has been extended throughout the state. It has been frequently asserted that Maryland has the distinction of being the first state to pursue the policy of building main thoroughfares wholly at the expense of the state. The people of Maryland have especial reason to be grateful to Governor Crothers with regard to the timeliness of his proposals; since the money appropriated for construction under Commissioner Weller served to build about three times as much mileage as could have been obtained

at the greatly increased rates that prevailed after the beginning of the World War. The work thus begun was interrupted upon the entry of the United States into the war, in which national crisis the hard-surfaced roads were invaluable for the transport of the trains of heavy motor trucks that passed through the state from points as far West as Michigan bearing supplies to the port of Baltimore, to Washington, or to the various military camps. Because of the damage done by these heavily loaded trucks extensive repairs had to be made, and in some sections complete reconstruction was required, while new roads were being built. In addition to this an original plan was subsequently devised by the Roads Department under Chief Engineer Mackall for the widening and strengthening of the roads by the addition of concrete shoulders—a procedure that has since been widely followed throughout the Union.*

Early in 1928 an investigation of a minor "shortage" showed that there had been collaboration among a number of the employees of this department and that these employees had been defrauding the state of considerable amounts over a period of eight years. In round numbers, out of $62,000,000 expended during this time, $376,000 had been embezzled or misappropriated. Governor Ritchie promptly ordered a complete audit of the Commission's accounts for the previous eight years, and also appointed a non-partisan commission to recommend improvements in the Commission's financial methods. Within less than three months five of the principal wrongdoers had been indicted, tried, convicted, and sentenced to prison. Upon the completion of the audit, other employees were found to be involved; and these were immediately indicted, tried, convicted, and sentenced. In addition, steps were taken to prevent any similar occurrence in the future.

By the time of the gubernatorial campaign of 1915 the United States was in the midst of the enhanced production, prosperity,

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*The report of the Commission of September 30, 1927, shows the completion of more than twenty-six hundred miles of modern roadway, and care was taken that every county seat should be directly connected with the state highway system. In short, the road building programme initiated by Governor Crothers has been so extended in successive administrations that, at the close of 1927, Maryland had, in the words of the Governor's report, "a larger percentage of improved road mileage than any other State in the country."[33]

and high wages that prevailed during the Wilson administration. These circumstances, together with the passage of the Federal Reserve Act, favored the Democrats, who nominated Comptroller Harrington for Governor. The ticket was elected and took office in January, 1916. With respect to the European conflict, then in progress, it may be said that while the majority of the people of the state appear to have supported the Allied cause from the first, sympathies were divided, as in other communities. There was considerable anti-British or anti-Allies sentiment among the Irish and German elements; while additional racial antagonisms were aroused against Russia because of the age-old persecution of the Jews under the Czarist régime. On the other hand, there was no little criticism of President Wilson when, upon the sinking of the *Lusitania,* he did not then and there call upon Congress to declare war against Germany. From that time on the tide of public opinion set in more and more strongly against the Central Powers. In April, 1917, the war challenge of the President, together with his display of statesmanship in simultaneously calling for the draft, and therewith the full man power of the Republic, aroused the people to common effort against a common foe.

With war definitely declared the Old Line State entered the lists with men and means beyond her officially designated quota. The Maryland Council of Defense was promptly appointed and organized, with Francis E. Waters as Chairman.* In his War Address before the Council Governor Harrington set forth a fair consensus of public opinion when he said:

> President Wilson has kept us out of war as long as it was possible to do so without dishonor, without disgrace. I must confess that I was one of those Americans who felt that our Nation should have gone to war when our soil was invaded by Mexican soldiers, and American citizens were killed by Mexican bullets. Then again my blood boiled with indignation when I saw the soil of Belgium, a neutral nation, invaded. Still more impatient did I become when the *Lusitania,* in defiance of all recognized principles of international law, was sunk by a German submarine, and American citizens went down to a watery grave. But I now thank God that we had in these troublous times a man in the White House of the cool judgment and wisdom of Woodrow Wilson, who kept us out of war until the proper time for action came and when

*Succeeding Carl R. Gray.

the people of our own country felt that further forbearance would mean dishonor, and all the Nations of the earth realized that we entered the war for no ulterior or selfish motives.*

A number of Marylanders had already enlisted in the war, some with the Canadians, some with the British, and a few with the French. By way of example, John Prentiss Poe, Jr., had been among the early sacrifices whilst serving with the British in Flanders. Others had entered the regular army after attending preparation camps. Because of this diversity in the service of the Maryland contingent on land and sea, it is impossible in the limited scope of this work to set forth anything but a summary of their services. Many Marylanders were enlisted in the Seventy-ninth, a fighting unit; and it was considered especially fitting that a large contingent was enlisted in the Twenty-ninth, or the "Blue and Gray" Division, a name reminiscent of the colors that had fought each other a half century before. The enlistments for Maryland as brought up to date (1928) by the War Records Commission show a total of more than 65,000 men in the army, navy, and Marine Corps, all registered from the state and exclusive of those who served in the forces of the Allies. The percentage of army enlistments was naturally the largest, totalling 55,000, of whom 3,256 were killed or wounded in battle.[34] The navy total was 9,937, including a Coast Guard contingent of 381 officers and men. The Marine Corps enlisted 1,268.

Maryland men are credited with one Congressional Medal of Honor, 104 Distinguished Service Crosses, and thirty-six Distinguished Service Medals, together with several score of Distinguished Service Citations of the higher grades. In addition records still incomplete show that one hundred and ninety-one

*At the time Governor Harrington's comment was regarded by some as defensively partisan; but this point of view has been recently upheld by a high officer who had resigned his commission in the United States Army to carry on in the Chicago *Tribune* a series of attacks upon the policies of the Presidential pacifist. In 1928 this critic, General Henry J. Reilly, writing in the *American Magazine* for December, declared the American President to have been the "greatest war leader of them all," including previous Presidents in American history, in that, among other things, Wilson had selected "capable men for commanding military positions," and gave them his full support; and that the testimony of Pershing, Bliss, and March proclaimed that the President understood that "the methods which make for a successful political career in peace are exactly the opposite of the methods which bring victory in war." For Wilson's Maryland appointments, *cf. infra*, p. 635.

Marylanders were awarded the Croix de Guerre and other foreign military decorations.*

The Twenty-ninth Division sailed for France in June, 1918. Within two weeks after arriving in the training area, the Division was ordered to a front-line sector near Belford. The One Hundred and Fifteenth Infantry of the Twenty-ninth Division was at first composed entirely of Marylanders commanded by Colonel Milton A. Reckord, who was one of the few regimental commanders awarded the Distinguished Service Medal. The regiment served in the center sector, Upper Alsace, for a period of approximately sixty days. As part of the Twenty-ninth Division, in the latter part of September it was ordered to the Western Front to take part in the Meuse-Argonne offensive. On October 8th, in conjunction with the Seventeenth French Corps, the Regiment went into action and was engaged in battle almost continuously until the day of the Armistice. East of the Meuse, the task of the One Hundred and Fifteenth was one of the most difficult assignments allotted to any unit during the war; for the wooded and hilly terrain north of Verdun, including the Bois de Consenvoye, was a strong point on the Kremhilde Stellung. In these woods were hidden German artillery of every type, and the trench system established there was virtually the last hope of the German army in France. Upon this position the safety of their entire system of military communications depended. Throughout the attack that broke this formidable defense the One Hundred and Fifteenth achieved success in every task assigned it; and of the three Congressional Medals of

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*Only ninety Congressional Medals were awarded in the entire Expeditionary Force. The one awarded to a native of Maryland was to Private Henry Gilbert Costin, Company H, One Hundred and Fifteenth Infantry, Twenty-ninth Division. At the age of eighteen Costin had enlisted in the Fifth Regiment, Maryland National Guard, June 17, 1916, thereafter serving on the Mexican border. For distinguished service in the Alsace sector on September 17, 1918, Costin received the Croix de Guerre. Invalided subsequently to this action, he returned to the front October 7th, just as the One Hundred and Fifteenth was going into action in the Argonne. Two days later, according to the official citation, "When the advance of his platoon had been held up by machine-gun fire and a request was made for an automatic rifle team to charge the nest, Pvt. Costin was the first to volunteer. Advancing with his team, under terrific fire of enemy artillery, machine guns, and trench mortars, he continued after all his comrades had become casualties, and he himself had been seriously wounded. He operated his rifle until he collapsed. His act resulted in the capture of about 100 prisoners and several machine guns. He succumbed from the effects of his wounds shortly after the accomplishment of his heroic deed."[35]

Honor awarded in the Twenty-ninth Division two were won by members of this regiment.*

Another notable exploit of troops almost entirely of Maryland registration was that of the Three Hundred and Thirteenth Regiment serving in the Seventy-ninth Division. This Division participated in the first phase of the Meuse-Argonne offensive as part of the Fifth American Corps, going into the front line on the morning of September 26th. In the path of the Seventy-ninth was a particularly difficult position of Montfaucon, at one time the headquarters and observation post of the German Crown Prince. In the evening of the first day of attack this regiment had, after heavy losses, reached the edge of Montfaucon woods. On the next day, supported by the Three Hundred and Sixteenth, the Three Hundred and Thirteenth renewed the offensive to such good effect that shortly before noon the Marylanders had entered the town of Montfaucon. The commanding officer of the Three Hundred and Thirteenth was Colonel Claude B. Sweezey, until he was invalided and relieved by Colonel William J. Rodgers. The Three Hundred and Thirteenth, being almost entirely composed of men of Baltimore, became known as "Baltimore's Own."

The One Hundred and Seventeenth Trench Mortar Battery, Rainbow Division, Maryland's "first to fight," was organized August 15, 1917, and sailed for France in the following October. This unit entered the trenches February 27, 1918, in Lorraine. On July 16th the battery went into the line in the Champagne Sector, as part of the French forces, to help check the German Fifth Offensive. From this time to the close of hostilities this unit was almost continuously in action in the various advances that broke the German front; and it also marched with the Army of Occupation into Germany. According to the records, the One Hundred and Seventeenth Trench Mortar Battery fired approximately fifty thousand bombs, or more than any other such battery in the Expeditionary Force. On a number of occasions the unit was highly commended, and twenty-six of its members received the Croix de Guerre.†[36]

*Reference has been made (p. 629) to the medal awarded Private Costin; the second medal was awarded Lieutenant Patrick Regan of New York.

†Other Maryland officers who were actively engaged in the great final offensive were: Colonel Charles B. Finley, Jr., Major of the One Hundred and Fifteenth, Lieutenant Colonel of the One Hundred and Sixteenth, and Colonel in

At home the Council of Defense, composed of both men and women, contributed, in several particulars, original ideas which were emulated by similar organizations in other states, although the Council plan appears to have originated in Massachusetts, where the first of the State Councils of Defense was organized as a Committee on Public Safety, February 9, 1917.*

In Maryland the largest of the training posts or areas was Camp Meade, about equidistant from Baltimore, Annapolis, and Washington. Despite the proximity of the site to these centers of population, the Federal government was called upon to pay proportionately less for the lease or use of its property than in the case of many other large camp sites chosen during the war.[37] Maryland also furnished the money to clear the camp site for occupation, being the only state that did this work at its own expense. The list of principal war areas in addition to Camp Meade, were: the Aberdeen Proving Ground, including the Edgewood Arsenal; the Perryville Ammonium Nitrate Plant; the Curtis Bay General Supply Ordnance Depot; Camp Holabird; Forts Howard, Washington, and Foote; Camp Laurel; the various training corps units connected with colleges of the state; the Indian Head Naval Proving Grounds; and the Glenburnie and other rifle ranges. The Naval Academy enrolled 2,000 additional students. The principal hospitals were the

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command of the One Hundred and Thirteenth; Lieutenant Colonel Millard E. Tydings, First Lieutenant One Hundred and Fifteenth, Captain One Hundred and Twelfth Machine Gun Battalion, Major One Hundred and Eleventh Machine Gun Battalion, and Lieutenant Colonel Division Machine Gun Officer; Lieutenant Colonel David John Markey, Major One Hundred and Twelfth Machine Gun Battalion, Lieutenant Colonel One Hundred and Fifteenth Infantry, Lieutenant Colonel Commanding One Hundred and Fourteenth Infantry; Lieutenant Colonel Amos W. W. Woodcock, Captain, Major, and Lieutenant Colonel One Hundred and Fifteenth Infantry; Lieutenant Colonel Robert J. Gill, Captain One Hundred and Seventeenth Trench Mortar Battery, Major on staff Forty-second Division, Lieutenant Colonel and G. I. Forty-second Division; Lieutenant Colonel Stuart S. Janney, Major Three Hundred and Twelfth Machine Gun Battalion, Lieutenant Colonel Three Hundred and Fifteenth Infantry.

*From information kindly supplied the author through Governor Alvan T. Fuller, July 21, 1928, being one of a series of replies to queries addressed to state executives. The Maryland Council was highly commended by War Department officials not only for what it accomplished but for its common sense in refraining from doing or sanctioning many things which elsewhere proved either impractical or positively harmful in the handling of the problem of enlisted men.

Maryland may be said to have sent one of her principal officials to the Federal government; for after his appointment as General Counsel to the War Industries Board in June, 1918, Attorney General Ritchie secured leave of absence from the state and took up residence in Washington in order to give his full time to that office.

United States Army General Hospital No. 2, Fort McHenry, and the United States Army General Hospital No. 7, at Evergreen. In both of these hospital units the generosity of private individuals was in evidence, particularly in the case of the Evergreen unit, the site for which was given over for hospital purposes by Mrs. T. Harrison Garrett.

Because of this construction work and some thirty-odd training sites, hospitals, and other war units, the population of Maryland was greatly increased by the exigencies of the war rather than diminished, so that the Defense Council encountered a most difficult task in the matter of housing and accommodations for thousands of war workers. Furthermore, the motor truck trains and supplies arrived in large numbers in the midst of one of the severest winters the country had ever experienced. Hospitals had to be improvised; and at Fort McHenry alone, at first a Baltimore park, room was ultimately made for approximately three thousand beds. In response to the call that "Food will win the war," Maryland sought to emulate its record of the War of the Revolution when the state was the granary of the Continental forces. Consequently, under wise direction, and despite the dearth of labor, the state produced the largest crops in its history.

The report of the women's section of the Defense Council shows clearly the character of modern warfare, in that it enlists the efforts of all, regardless of sex. Executive functions, hitherto monopolized by men in the management of the activities behind the lines were now shared by women. A special women's section was organized, with Mrs. Edward Shoemaker as its chairman. In addition to the customary services in the preparation of surgical dressings, the maintenance of social agencies, care for enlisted men at camps, with the relief of soldiers' families, the women took an active part in motor messenger service, in the sale of liberty bonds, in employment coordination, and in the stimulation of food production. Not only were the rural sections organized for increased production, but urban areas as well.

An impressive fact in connection with the work of the Maryland Defense Council is to be found in the financial report returned by the auditors. Despite operating expenses, the Council not only met immediate war needs, but left permanent bene-

fits to the state. The General Assembly was liberal in the appropriation of funds and the Defense Council proved efficient and economical in expenditure. The Council did not call for the issuance of the second million dollar loan authorized by the Legislature. Among the permanent assets that were created by the Council to meet war needs and that were turned over to the state were a prison farm at the House of Correction; a water supply at the State Agricultural College; the Foster Building at Spring Grove; fish hatcheries; an armory site at Cumberland; and armories at Cambridge, Westminster, and Hyattsville. The Maryland Bureau created to solve the reëmployment problem of the demobilized army was, by a delegation from the War Department, officially reported as the best in the Union.

Governor Harrington proclaimed May 31, 1919, a public holiday in order to welcome home the return of Maryland soldiers from overseas, the celebration being conducted largely under the auspices of the Council. This was followed by another welcome, on Defenders' Day, September 12th—the first of its kind in the nation—to the men of Maryland enlisted in the navy of whom there were approximately nine thousand, an unusually large proportion or quota, if not the largest, from any state.[38]

The war emergency measures passed by the General Assembly had been prepared by Attorney General Ritchie prior to his appointment as General Counsel to the United States Industries Board. These enactments gained for the state no little prestige, and their provisions were used as models by other states. In 1919 Ritchie was put in nomination by the Democrats for Governor, winning by a narrow margin of 165 votes. Since that time the political history of Maryland is intimately associated with the policies of the first Governor of Maryland ever elected by popular vote to succeed himself.*

At this time, Baltimore, like other large cities, suffered from the effects of the so-called "crime wave," popularly considered a reaction from the stress of the war. Following upon a series of robberies there occurred in August, 1922, a peculiarly brutal

*The first state Governor to be elected by popular vote was William Grason (1838). From this time to 1923, no Governor had ever succeeded himself; and with the exception of Lowndes no Governor since the War of Secession had been renominated.

murder committed in broad daylight not far from the center of the city. Various influential civic organizations were aroused to action; a local newspaper offered a large award for the apprehension of the criminals; the Supreme Bench of Baltimore City disbarred a noted lawyer on the ground that he had obstructed justice in this case; and an unofficial Criminal Justice Commission was created in order, among other things, to study the causes of crime and its prevention. One of the remedies suggested was the further expediting of court processes. Steps were taken to that effect, with the result that the city has of recent years enjoyed the reputation of having the speediest administration of justice of any large municipality in the United States.* It may be added, however, that the Maryland system of jurisprudence, which permits the accused to choose trial with or without a jury, serves to accelerate court procedure in that many of those under indictment elect to have their cases tried before the Court only. Again, the fact that the police are not made immediately responsible for the enforcement of the Volstead Act has helped to free the local courts from the extraordinary congestion evident in cities where concurrent legislation has been authorized by the state. This has enabled the police not only to give their attention to the business of detecting major crimes and felonies, but has largely eliminated, since 1918, the most fruitful source of police corruption. Because of these and other reasons the ratio of arrests following upon the reports of crimes has been exceptionally high, and crime has decreased in the same ratio that efficiency in the administration of justice has increased. Among other things the Baltimore Criminal Justice Commission has demonstrated that certainty of apprehension and punishment rather than the severity of the penalty imposed is one of the most effective crime deterrents; and the findings of the Commission have been made a subject of study by other cities and states.[39]

The power of pardoning or paroling offenders has ever been subject to abuse. This is particularly characteristic of the United States, where, in comparison with other English-speaking countries, emotionalism plays an excessive rôle in both politics and

*In 1927 the Baltimore police force received the Loew Cup, presented through the National Crime Commission, for having solved by arrest a greater percentage of reported crimes than any other metropolitan city.

penology. With a respect to state offenses Governor Ritchie introduced in 1924 a noteworthy precedent in publicly presenting a careful analysis of each case of parole, together with the reasons in detail for the prisoner's release. On the other hand, the probation system, as practised in Baltimore, has shown that the supervision of those on probation has been lax, and that no adequate method has been adopted to follow up a probationer's subsequent record.

In recent times no problem has more seriously engaged the attention of thoughtful people than the steadily rising cost of government. In 1889 the American people were shocked by streamer headlines announcing a billion dollar Congress. Today, a Congress that limited expenditures to seven billions would create a sensation of the opposite character. Again, the once-staggering road-improvement programme of some seventeen million dollars provided for by Governor Crothers seems almost pitifully small; yet it meant as much as a call for fifty millions for road construction ten or fifteen years later.

Despite huge expenditures and a wasteful—if necessary—cost-plus construction system, there had been little grafting in the conduct of the World War, if we accept the fact that scores of Congressional investigations, instituted at the close of hostilities, revealed nothing of national importance and no instances of corruption in high places.* President Wilson, regardless of his appeal for the election of Democratic candidates in 1918, had not regarded political complexions in his war appointments. On the other hand, the widely acclaimed "adjournment of politics" for the duration of the war appeared to make for even more heated partisanship afterward. Extraordinary prosperity encouraged extravagance in the various states and in the national government. Early in 1924[40] President Coolidge called attention to the heavy taxation of local or state gov-

*Under the direction of Charles Evans Hughes, the inquiry into the production of aircraft provided the most notable investigation. The high character of the war appointments made by the Wilson administration is evident in the representation from Maryland: *e. g.*, Edwin G. Baetjer, Samuel K. Dennis, Daniel Willard, Dr. T. B. Symons, Albert C. Ritchie, John C. Brydon, C. W. Galloway, Carl R. Gray, Ferdinand A. Meyer, Joseph C. Byron, Henry White, Robert Crain, William H. Maltbie, Philip A. S. Franklin, Arthur W. Thompson, Phillips Lee Goldsborough, Henry B. Wilcox, George S. Hodges, George S. Jackson, John K. Shaw, David J. Lewis.

ernments and urged reduction in expenditures and the payment of debts. Happily Maryland was one of the very few states to show a definite reversal of this general tendency. During the Harrington administration Attorney General Ritchie had proved himself to be a painstaking student of state government and of administrative management. In the midst of World War conditions he had submitted a number of measures making for greater efficiency. Among those approved by the General Assembly were an educational reorganization law and considerable merger legislation. In his own office Ritchie effected certain reforms that resulted in reducing by one third the cost of the legal department.

A matter of especial importance was the adoption of a budget. Following upon a journalistic exposure of inadequate fiscal control in the conduct of state business this system represented the fulfillment of a campaign promise made by the Democrats, provided they were returned to power in 1916. Hence the General Assembly enacted into law a comprehensive plan prepared by a commission of which President Goodnow of the Johns Hopkins University was chairman. Thereby Maryland adopted what has come to be known as the Executive Budget, wherein the Governor assumes the responsibility of estimating current needs. According to this system, the Legislature may not add to the executive estimate, but it may eliminate items or decrease the amount. On the other hand the Legislature may pass appropriation bills for purposes not included in the Executive Budget if the means are especially provided for raising the necessary revenues.*

These moves toward greater economy and efficiency had demonstrated their value in 1920 when Ritchie took office as Governor; and the former Attorney General's zeal for continuing the work of reorganization appeared to have been whetted rather than abated. Although there were those who strongly advised "letting good enough alone," he utilized his position as chief executive to get detailed reports with regard to the conduct of all governmental departments. At the same time he

*Those who assisted in preparing the Executive Budget System were James Alfred Pearce, Joseph D. Baker, B. Howell Griswold, Jr., Philip D. Laird, William M. Maloy, and F. Neal Parke.

appointed a commission of representative men and women from all parts of the state with a view to getting recommendations that would still further promote the policy of efficiency and economy already begun. The Governor also secured the services of civic experts from without, who submitted a complete plan for governmental reorganization. This plan was rejected by Ritchie for reasons that are of especial interest and importance because they illuminate the standpoint and aims of the Maryland executive and incidentally serve to illustrate the previously quoted comments by the legislator-historian, John V. L. McMahon,[41] to the effect that, in Maryland, the experience, customs, and traditions of several hundred years should always be taken into consideration whenever changes in governmental procedure are brought forward. In reference to the proposals by the efficiency experts consulted Governor Ritchie observed:

> An organization such as they maintain was required for investigative purposes and to assemble the facts, and also to afford accurate knowledge of what has been done in other States; so that their work was both necessary and helpful. . . . When it came, however, to the . . . plan itself, we found that it did not take sufficient account of the experience, conditions and usages of this State. This was not at all unnatural, and would almost inevitably be the case with any plan drafted by outside experts. Moreover, the plan did not appear to embody specific assurances of economy.
>
> We want in Maryland a government, if we can get it, cheaper and better than the one we have, but we want to preserve all that is good,—and there is much that is good,—in our present institutions. The only changes we want are changes which will bring with them greater efficiency and greater economy, and which will square with those State usages and practices which experience has justified, and which, therefore, ought to endure. In a word, we want for Maryland a Maryland form of government.

After having welcomed and weighed all advice and suggestion from outside experts and from the special advisory commissions within the state the executive prepared the recommendations he considered practical for legislative procedure. This report is an unusual document, representing a coördination of knowledge based on study and experience and the wisdom that recognizes and makes allowance for the human equation.

The complete history of the reorganization of the state departments cannot be given here; but a brief account of certain features is sufficient to indicate the importance of the changes put into effect by the harmonious coöperation of the Governor

and General Assembly in 1922. Part of the story is told in the 30 per cent. reduction in the tax rate within a period of a few years' operation under the new conditions, and this despite notable progress in carrying out costly public improvements. Of the five so-called fundamentals of efficient state government under modern conditions: *viz.*, departmental reorganization and coördination, a central purchasing system, the budget system, the merit system, and fewer elections, it has been said that every state in the Union has hoped for or has been working toward some or all of these five aims or ends. It has also been said that whereas "some States have not as yet been able completely to achieve a single one of them"; and that where "some States have one, some States two, and some States three" only Maryland has all five.*[42]

The educational survey instituted under the Goldsborough administration, together with the long-existent advantages of the county system, aided materially the work of educational reorganization prepared under the direction of Dr. Albert S. Cook, who was promoted from an extended term of service as Superintendent of Schools in Baltimore County to be State Superintendent. This educational reorganization plan required eighteen months to complete; but, when finished, it had the unique merit of having met with the unanimous approval of the superintendents and school boards throughout the state. The Governor attended many of the meetings with a view to learning at first hand the needs of the schools, so that the next step—the adoption of the plan by the General Assembly—might be the more easily secured. The results have made the Maryland system an outstanding one in the forty-eight states of the Union. Turning to sources, it may be noted that the Constitution of 1867 was, in educational matters, happily brief in laying down fundamental principles, without creating cumbersome machinery. Added to this was the act of the so-called "unani-

*By way of summary, the state departments and agencies were reduced from about eighty to sixteen major and three minor departments. A comprehensive state merit system had been adopted in 1920. It is difficult, if not impossible, to assert what proportion of credit should be given to each of these reforms for the reduction in the tax rate. It is widely believed that the Tax Reassessment Law was the biggest single aid; yet under its operation the tax rate was rising, and the rate did not begin to fall until after the reorganization legislation of 1922.—*Maryland Manual,* 1927, p. 302; *cf.* also *California Tax Digest,* October, 1927.

mous" legislature of 1868, which created an excellent framework upon which to build the further development of a state system of public education. In 1916, official duties were defined and standards were set; but the reorganization that enabled the state to take full advantage of the opportunity long provided did not take place until the final plan was approved by the General Assembly of 1922.

In the original Maryland scheme there were twenty-three county boards, together with the independent unit of Baltimore City. These twenty-four school boards in Maryland acquire especial significance when it is realized that New York, for example, has upward of ten thousand boards. Although it is out of place in this narrative to attempt a technical report on public education, it is legitimate history to set forth not only the fortunate basis provided by the Maryland system of county government, but to add that the Maryland plan for distributing State School funds has aroused nation-wide comment as perhaps the most scientific method of equalizing educational opportunity that has yet been devised.*[43]

It has been one of the traditions of Maryland, as the foregoing narrative has attempted to set forth, that it is better for the major portion of a political entity to suffer inconvenience for a time than to compel compliance on the part of a county or a group of counties. In 1925 much had been promised in the way of securing the long-hoped-for legislation providing for the conservation of the oyster supply. It was believed that a satisfactory solution had been evolved; but when the General Assembly met in the following year it developed that the oystermen and their allies were still intensely hostile to the remedies proposed. The conservationists had the votes, and they could have com-

*In the field of education one of the difficulties of which the public is seldom cognizant pertains to the selection or "adoption" of textbooks. These contracts run into large amounts; and, in the past, particularly, there has been much political maneuvering both within the educational sphere and without or above it. Perhaps no system can be devised that will obviate this peculiar form of profiteering in one form or another; and its at times sordid story would make a theme for a thesis, or perhaps a volume, that would in itself serve an excellent educational purpose. This has particularly been true of state-wide adoptions. The representatives of powerful textbook publishers were, not infrequently, shrewd politicians. One of the most noted, whose activities covered a quarter of a century of skillful endeavor, was a trusted friend of a Governor of the state. When the latter died, his will disclosed the ownership of a considerable block of stock in this particular publishing company, which organization had been often accused of "favoring" candidates for political office and in the school administration.

pelled compliance; but it was deemed better to abandon the conservation programme than to force the issue. In the following terms the Governor assumed responsibility for giving up the plan proposed:

> As stated in my message to the Legislature, I think that a conservation program to be effective ought to have "the support of the interests affected by it and not the bitter opposition of at least some of them."
>
> I believed that the proposed plan had this support, but as a matter of fact the representatives in the Senate and House of the twelve tidewater counties, reflecting what they feel convinced is the sentiment of their people, are unalterably opposed to the private leasing features of the plan.
>
> This of itself does not necessarily mean that the plan is wrong, but it does mean that the only way to adopt it would be for the representatives of the other counties and of Baltimore City to literally force it upon these twelve counties of the State, whose people would in large part feel that their rights had been taken away and their livelihood and their homes endangered.*

The war-enhanced tendency toward centralization of power in the national government prevailed after 1918 somewhat as it had done after 1865. Rightly or wrongly Maryland, after a brief period of acquiescence, again took up her accustomed stand in opposition to Federal encroachments upon state prerogatives. Governor Ritchie not only set forth these objections, but, throughout the Union, he came to be recognized as the spiritual leader of those who believe in the maintenance of the largest possible measure of local self-government under the Federal system.

In 1922 President Harding called upon the Governors of the several states affected by a general strike of the soft-coal miners to invite the operators to resume mining, with assurances of protection against interference. This meant the use of state militia, with the coöperation, if necessary, of Federal forces. In a telegram to the President the Governor of Maryland referred to the traditions of the state as being "those of a

*In this instance the course pursued, being so divergent from that originally recommended, is subject to argument pro and con. Summing up, those who do not agree with the outcome say that the principle of the greatest good for the greatest number is sacrificed for a political tradition. Others defend it on the latter grounds as a matter of principle, tested by experience, which, they say, is fundamental; and they further insist that the political ills that would immediately result from forcing the issue on a large minority of objectors would offset any real or alleged economic advantages that would ensue. It may be added that in the case of the educational reorganization plan the proponents of reorganization not only "had the votes" but the necessary enforcement legislation as well. Nevertheless, the changes were made applicable everywhere only after time had been allowed for local readjustments.

people who have settled such matters as these without the aid of bayonets," to which he added:

> I am fully conscious of the responsibility which Maryland must share because of her coal deposits in helping to supply the Nation with fuel, but I feel that at this time I should not subscribe to the assumption that all things else have failed, and that the various States must give assurance now which might lead them to take up arms against their own people. The presence of troops is often not the assurance of security, but the provocation of serious trouble. . . . I have no sympathy for lawlessness, and it will be my earnest aim and endeavor to be of help to you in this trying hour. By conference and otherwise I shall attempt to influence those of Maryland concerned in the situation to submit to Federal adjudication.*

As previously noted, the people of Maryland acquiesced in the passage of Federal legislation considered necessary in connection with the prosecution of the war with Germany. But power called into being under these conditions was regarded as a totally different thing when exercised in time of peace. Throughout the nation, on the other hand, militant reformers of various types and with sundry aims in view, perceived in the completeness of the Federal process what seemed to them a speedy and complete solution of their problems. Scores of Constitutional amendments were proposed, and action by Congress was asked on behalf of a hundred civic or humanitarian ideas. The Woman's Suffrage Amendment was passed partly under this general impetus. In a special appeal to the United States Senate this measure was advocated by President Wilson, who had abandoned his earlier position that the matter of suffrage was properly one of the prerogatives reserved to the states or to the people thereof. On this ground the General Assembly of 1920 sharply protested against Federal interference; and in the Upper House a resolution offered by Senator George Arnold Frick to reject the Amendment was passed by a unanimous vote, while a similar resolution in the House of Delegates was passed by a large majority. In addition the General Assembly appointed a committee to wait upon the legislatures of other states before which the Amendment was pending. The Frick resolution spe-

Cf. telegram, July 19, 1922. The strike was officially ended by agreement September 2d. "This was the longest and greatest strike in our industrial history, considering the number of men involved, *viz.*, 605,000."—Tenth Annual Report of the Secretary of Labor. In this same year, it may be noted, a dispute of some twenty years' standing, between the operators and miners of Maryland, had been settled in accordance with an act of the General Assembly.

cifically denied that "the Congress of the United States has any lawful right or power to propose such an amendment," or that "the legislatures of three-fourths of the States have any lawful right or power" to do so. Unofficially the opposition to the Amendment was actively supported by the Maryland League for State Defense, and after the adoption of the Amendment had been proclaimed suit was brought to test its validity. This suit* went through the Maryland Court of Appeals to the Supreme Court of the United States, which held that the Nineteenth Amendment could not be differentiated in character from the Fifteenth Amendment; and that since the latter has been recognized by the Court as a part of the Constitution and open to the same objections the question of the validity of either Amendment was foreclosed.

Somewhat earlier, the proposed Eighteenth Amendment had come up for consideration. In this case President Wilson counseled caution. Congress, however, was overwhelmingly for Federal prohibition; and subsequently that body overruled Wilson's veto of the Volstead Act. In Maryland, in the matter of prohibition, there had long been a sharp difference between the attitude of Baltimore City and that of the counties. Throughout the state, counties and communities had, one after another, been adopting local option measures that had outlawed the liquor traffic within their borders. Furthermore, local prohibition, under this method, produced results that were highly beneficial. Public opinion was behind the movement; and the many and manifest evils of the traffic, especially in districts poorly policed, had largely been eliminated. Sentiment, however, in the larger towns and in the city of Baltimore was different. Here public opinion supported the sale of intoxicants under reasonable regulations and high license. In fact Baltimore had in 1916 registered a majority of forty-five thousand against prohibition. On the one hand, many of the distillers, brewers, and dealers, collectively known as the "liquor interests," were not only resentful of the processes of prohibition but arrogant in their opposition. They frequently defied the law; and, as business interests, they played a discreditable part in politics. On the other hand, it was asserted that the Anti-

*_Leser_ vs. _Garnett_, 258 U. S. 130.

Saloon League and other such organizations were employing professional agents who resorted to methods as dubious as those of the political "ring." It was contended that these influences were "turning a moral issue into a political one," and that they were "attempting to drag the church into politics."

The Eighteenth Amendment was submitted to the General Assembly in January, 1918, and ratified by a majority vote in the following month. Those who assert that, in so doing, Maryland went contrary to her traditions, have explained this action by saying that it was done during the excitement of the World War. On the other hand, the measure had extraordinary support throughout the state; for it was widely believed that that which had done so great good in many of the counties would be equally effective everywhere. After the war the Assembly disapproved of the principle of the Volstead Act by the rejection of bills in favor of a state measure of similar import, or "concurrent" legislation.

In December, 1922, the Maryland executive was one of the forty-eight Governors invited to confer with President Harding on conditions in general and the reaction against Federal prohibition in particular. In contra-distinction to the attitude of his fellow executives Governor Ritchie attracted national notice by an open declaration against the Eighteenth Amendment and the Volstead enforcement law on the ground that:

> The great majority of the people of Maryland believe the Volstead law simply cannot be enforced there. Our people are imbued with a fine traditional respect for law and the established order and we were effectively solving the temperance question by local option in the various units of the State. Under that method when the people of a community wanted prohibition they actually got it.
>
> The Volstead law changed all this. Our people in the main regard it as an unnecessary and drastic Federal infringement on their State and personal rights. The lack of respect for law and the actual lawlessness which have resulted are deplorable. The only remedy I see is to recognize that the Volstead law is destructive of the rights of the States and to turn the whole question back to the States, so that each may settle it in accordance with the will of its own people.

This opposition in Maryland to the Eighteenth Amendment and the Volstead Act may be overemphasized. Through their duly elected representatives, the majority of the people of Maryland have, in one way or another, protested against vari-

ous forms of bureaucracy, paternalism, and other encroachments upon the prerogatives of the states. It happens that the prohibition legislation has come more prominently before the attention of the public in both state and nation.

The effort at "standardization" of educational methods throughout the Union is regarded as another form of encroachment upon the prerogatives of the states in that it is contended that such efforts tend to destroy the individuality of the respective commonwealths. The principle of this and similar movements which involve the appropriation of Federal funds, in the shape of state subsidies, the Governor of Maryland, has frequently condemned. In the following summary, he has attempted to interpret Maryland in terms of the nation:

No two States are alike. No one wants them to be alike. In union there is strength but in diversity is life. To try to fit them all to a uniform standard, to have them all eat out of the same hand, saps their vitality. Variety, not uniformity, is the law of life and of growth.

Centralize government and men begin to lose interest in it. They begin to grow lax in defending their rights and administering their affairs. They begin to lose respect for law and for their law-making bodies. To blocs and organizations and militant minorities they surrender power they would themselves exercise if their local governments functioned. . . .[44]

Ten years ago these [Federal subsidies] amounted to less than $6,500,000 per year. Today the unconditional and the 50-50 subsidies and subventions amount to over $110,000,000 per year. This amount is appalling enough but the consequences both direct and indirect that flow from it are far more appalling.

The expenditure of these funds has given rise to an enormous and rapidly increasing bureaucracy, costing millions of dollars every year, and to bureau control of State affairs from Washington, with all that means in the way of bureaucratic interpretation, inspection and red-tape. The bureaus must act through subordinates, and in the nature of things these cannot be the most efficient men and cannot know local conditions.*

Granting a progressive stand in the matter of individual liberty and self-government it may be said that from the earliest

*Subsequently President Coolidge, in transmitting his message on the Budget, observed: "There is no question but that Federal contributions have materially added to State expenditures of State funds. . . . We should keep in mind that the moneys which we have contributed to the States are taken from the people, who in turn also pay the moneys required by the States to finance their own portion of the cost. The entire cost falls upon the people. It is true that the necessity and demand for good roads are constantly increasing, but they should not be constructed faster than the taxpayers can afford to pay for them. The amount that taxpayers can afford to pay can best be determined by the citizens of each State."

times the people of Maryland have been inclined to conservatism in questions of economic and political policy. In recent years measures such as the Free Silver remedy urged by Bryan on the one side, or the recall of judges urged by Roosevelt on the other, have met with little favor. So it was with the proposal of government ownership of railroads (*supra*), or of less radical proposals with regard to other public utilities. If Cumberland, however, in the matter of the adoption of the commission form of government, has furnished an exception to the established political complex, Hagerstown, in the sphere of public ownership, has successfully operated a municipal lighting plant. After a protracted contest in the courts and before the Public Service Commission this municipal plant has recently undertaken a considerable expansion of its facilities; and that it is considered an unusually well-conducted venture is attested by the widespread attention its quarter century of service has attracted. During this period the plant has been able to reduce the price of electricity to the consumer, including the lighting of the city streets; at the same time it has shown a balance, or profit, though the rates are lower than in other cities of its size and commercial importance. On the other hand, in the gubernatorial campaign of 1926 the Democratic party, with Ritchie as its candidate, endorsed the private ownership of the Conowingo water power site, subject to regulation by the Public Service Commission, which had authorized the construction of a vast power plant at this point. The Republican party, led by Addison E. Mullikin, accused the Democrats of attempting to barter away the birthright of the state, especially as Philadelphia and Pennsylvania were the immediate beneficiaries. This matter was made the paramount issue of the campaign, thus apparently reversing the positions of the opposing political camps in the State of New York. To this attack reply was made that the largest Maryland needs were already being supplied from the Susquehanna in Pennsylvania; that there was no local opportunity to develop Conowingo; and that while the dam and power house then under construction were located in Maryland, the greater part of the water supply was impounded in Pennsylvania. The campaign ended with the second reëlection of Governor Ritchie by a majority of sixty thousand.[45]

Two years later, the versatility of political opinion in Maryland was illustrated by the complete reversal of this exceptional majority, when Hoover and Curtis carried the state over Smith and Robinson, despite the fact that, prior to the Democratic National Convention, Governor Ritchie had withdrawn his name as a candidate and throughout the campaign had given his hearty support to his New York colleague. The Republican plurality in Maryland, the largest ever recorded for that party, was upwards of 77,000. Senator William Cabell Bruce was defeated by former Governor Phillips Lee Goldsborough; but by a plurality somewhat over half that given to the head of the ticket. A particularly interesting campaign was conducted in the Sixth District, where former Representative David J. Lewis attempted to unseat Frederick N. Zihlman. The latter was warmly supported by the strong prohibition element of western Maryland and was reëlected. Representatives T. Allan Goldsborough, J. Charles Linthicum, Stephen W. Gambrill, Democrats, of the First, Fourth, and Fifth districts, respectively, were reelected, while the Republicans gained the Second District, electing Linwood L. Clark over Representative William P. Cole, Jr. The Third District returned Vincent L. Palmisano, Democrat, by a small plurality, with the election disputed by his opponent, John Philip Hill, previously known in Congress as perhaps the most insistent Republican advocate of the "liberalization" of legislation pertaining to Federal prohibition.*

The fact that for fifty years, Maryland has usually elected Democratic governors, and yet has, since the beginning of the Bryan ascendancy in the Democratic party, as frequently voted for Republican nominees for President, illustrates not only the independence of the voters, but also brings up the point that, in these Presidential years, the choice of the state has almost invariably been that of the nation; specifically, the Maryland majority has met national defeat but once in a half century of balloting—that being in 1888, when the state gave its electoral vote to Grover Cleveland as against the nation's choice of Benjamin Harrison.

The events of the present century may be regarded as history

*Although a number of recent municipal elections have been closely contested, the charges brought forward by former Representative Hill, if substantiated by the courts, will prove to be the first in approximately twenty years, (*supra*, p. 613).

half developed in that the records are incomplete. Any deductions, therefore, with respect to contemporary men or measures, together with all indications of opinion, however tentative, are subject to sharp discount within the following decade or even by the date of publication. Reforms may fail, as reforms sometimes do; whilst political, economic, and social remedies may aggravate the ills which they were designed to cure. On the other hand, apparent failures may prove to be opportunities awaiting their proper turn.

In endeavoring to reach a final verdict upon their own day and generation, historians have been known to forsake the familiar fields of research to embark upon the fickle seas of speculation. With temptation close at hand, however, there comes to mind the warning of one John Huddleston, bearer of timely supplies from the abundance of the Chesapeake to the famishing settlers at Plymouth. Having recounted the story of disasters in Virginia, the worthy captain quoted "the old rule" he had learned at school: "Happy is he whom other men's harm doth make to beware."

NOTES

NOTES

CHAPTER I

1. The date of his birth is variably given from 1578 to 1582; also the place of his birth as Kipling, Kiplin, and Ripley. In Oxford registry, however, Calvert is entered 12 July, 1594, as *"annos natus 14."* This points strongly to 1580, which is the date accepted by Hall in *The Lords Baltimore and the Maryland Palatinate.*

George Calvert's mother's name is often given as "Alicia" or Alice. *Cf. The Calvert Family,* by John Bailey Calvert Nicklin, *Maryland Historical Magazine,* Vol. XVI.

"There are families of somewhat similar name in Flanders to-day, and we know that the Flemish painter Denis (or Dionysius) Calvart (whose name is variously given as Calvart, Caluwaert and Calvaert) was born at Antwerp in 1540."—James Gustavus Whiteley in letter to author dated Consulat de Belgique, Baltimore, April 22, 1924.

2. Others who received the degree of Master of Arts at this time were: Sir Robert Cecil, the Duke of Lennox, and the Earls of Oxford and Northumberland. Before his voluntary retirement from public life, Calvert had sat for constituencies in Cornwall, Yorkshire, and finally Oxford, in 1624.

3. The confusion that has existed in matters pertaining to the early history of Maryland is illustrated in the variations of the spelling of the maiden name of George Calvert's first wife. Bozman, McMahon, and McSherry fail to throw light on this point. Scharf asserts that George married "Anne, the daughter of George Wynne." Browne states that he "married Alice Wynne," while Hall, in his volume on *The Lords Baltimore and the Maryland Palatinate,* records that Calvert "married Anne, daughter of John Mynne, a gentleman of Hertfordshire." Recent research has shown that Anne Calvert's father signed his will George Mynn, and on his epitaph his name is spelled the same way.

4. *Cf.* in particular, contributions of Mrs. Russel Hastings in *Maryland Historical Magazine,* Vols. XXI, XXII. In these contributions much data from old wills and MSS. have here been published for the first time (1926–1927).

5. Calvert was also a member of the East India Company. After representing Yorkshire for a brief period he sat for Oxford in the Parliament of 1624.

6. One of these royal messages was that concerning the proposed election of Sir Edwin Sandys, in May, 1620, when James I set forth certain eligible names for election as Treasurer (the modern equivalent of *President*), adding: "Choose the devil, if you will, but not Sir Edwin Sandys."

7. Calvert's conversion is credited by some to the Spanish Ambassador, Gondomar, and by others to Arundell, a Catholic peer whose daughter Cecil subsequently married. It may be stated, however, in the absence of positive proof either way, that George Calvert's change of faith, if brought about by any one person, was more probably due to the Jesuit priest, Sir Toby Matthew, a former schoolmate.

8. The spelling of this part of Lord Baltimore's letter has been modernized. Completed, also, are numerous abbreviations, to which he was much addicted.

"Even under the government of the [Virginia] Company there had been precedents for the establishment of a 'precinct' within Virginia independent of the Jamestown government. Such a plantation had been that of Captain Martin and that proposed by Rich and Argall, and a charter for such had been given to the Leyden pilgrims. Baltimore wrote to ask for a precinct, pleading the king's promise already made that he might choose a part of Virginia."—Eggleston, *The Beginners of a Nation,* p. 229.

9. Some months later, or in February, 1629–1630, Joseph Mead, chaplain of Archbishop Laud writes: "His Lordship is extolling that country to the skies, yet he is preparing a boat to send to fetch his Lady and servants from thence, because the King will not permit him to go back again." *Cf.* Neill's *Founders of Maryland,* p. 47.

10. Contemporary with Sir Thomas More, Chancellor of England, was Michel de L'Hospital, Chancellor of France. L'Hospital was younger by seventeen years than More and may have derived a similar point of view from the English philosopher and statesman. L'Hospital strongly urged upon his countrymen the thought that "the only arms which the Divine Founder" of the Christian religion had used to draw peoples to him were "charity, patience, and prayer."

11. The Puritan point of view was aptly expressed by Thomas Dudley, Governor of the Massachusetts Bay Colony, who aimed the following shaft at Roger Williams:

> "Let men of God in courts and churches watch,
> O'er such as do a toleration hatch,
> Lest that ill egg bring forth a cockatrice,
> To poison all with heresy and vice."

12. *Cf.* p. 15 *et seq.* "He [Robinson] avoided the bigotry and bitterness of the early Brownists, and outgrew as years went on the narrowness of rigid Separatism. He lived on the best terms with the Dutch and French churches.

He opposed rather the substantial abuses than the ceremonies of the Church of England, and as life advanced he came to extend a hearty fellowship and communion to good men in that church."—Eggleston, *The Beginnings of a Nation,* p. 156.

Apparently, on his first visit, Lord Baltimore took over two seminary priests, Longvyll and Smith, while on the next and final voyage Father Hacket accompanied him. References to Protestants at Avalon are found in the report of the Anglican priest, Reverend Erasmus Stourton, who on his return to England in 1628 made complaint to the authorities that Mass had been openly said under the governorship of Lord Baltimore.

13. Incidentally, Calvert had been an advocate of the thoroughly unpopular attempt of Prince Charles to marry the Spanish Infanta. Charles and all his advisers were led along until it suited the Spanish Court to break off negotiations. For a time thereafter Calvert's fortunes dropped, and a contemporary correspondent declared of "Mr. Secretary Calvert" that he never saw him "looking merrily since the Prince his coming out of Spain."

The disillusioned Prince returned to England in 1623.

14. Calvert's letter to Buckingham, *Fortescue Papers,* p. 98; Howard, *Collection of Letters,* p. 57.

15. In baptism "Cecil" was the Christian name given his son by George Calvert. As "Cecil," the son appears in the last will and testament of the first Baron Baltimore. Yet because of the frequent appearance in official documents of the Latin signature of the second Lord Baltimore many writers have, it seems mistakenly, clung to the use of *Cecilius.* True, in the Sloane manuscripts (3662) it is stated that he was confirmed *Cecilius,* but it is more important to recognize the nomenclature in the will of his father, which indicates the name by which he was called, whereas Cecilius is the formal term used, possibly accentuated by the fact that he was the representative of the King in the Maryland Palatinate. On the same principle we might call the royal patrons of the Calverts Jacobus Primus and Carolus Primus.

16. Nicklin, *op. cit.,* gives 1605 as the date of Cecil Calvert's birth.

17. "Advowsons"—the presentation or, in general, the appointment of officials.

18. John Locke, *The Grand Model.*

19. *Maryland, the Land of Sanctuary,* p. 55.

20. This letter was written to Dr. John Briscoe. The original is in the possession (1929) of a branch of the Briscoe family at Charles Town, West Virginia. Dr. Briscoe was probably an adherent of the Anglican Church. *Cf.* Davis, *The Day Star of Freedom.*

21. In the first of the Maryland reports of the Provincial of the Society of Jesus is found the following: "For the promotion of this pious undertaking, many Catholics showed great liberality, and contributed money as well as servants."—"Annual Letter of 1634." *Cf.* also, "Bond from Leonard Calvert to Sir Richard Lechford, dated 19 October, 1633," the same being an acknowledgment of money lent to Leonard Calvert from Sir Richard Lechford, who is later addressed by Leonard Calvert as "kind partner." *Fund Publication* No. 35, Maryland Historical Society, p. 17 *et seq.*

22. In offering the above exposition of the state of affairs in England at the time of the sailing of the *Ark* and the *Dove* the author is conscious of the fact that Archbishop Laud and his advisers were alarmed at the growth of popular belief that the course of the Court was headed for Rome. Consequently, there was some new hue and cry raised against Roman Catholics; but how much of it was "hue and cry" and how much actual prosecution of recusants in comparison with other times is again a matter of conjecture. It seems certain that because of the outcry by Anglicans and Puritans, Catholics were excluded from attendance at the Queen's Chapel, and there was controversy with the government of France in regard to intolerant laws that worked one way in Anglo-Catholic Britain and quite the opposite in Roman Catholic France. *Cf.* John C. LeGrand, "Oration on the Landing of the Pilgrims of Maryland," May 10, 1843.

23. *Cf.* Letter to Strafford, 10 January, 1634.

24. Hall, *Narratives of Early Maryland,* p. 14. *Cf.* Russell, *Land of Sanctuary,* p. 52 *et seq.;* p. 106 *et seq. Cf.* also, *The Lords Baltimore and the Maryland Palatinate,* p. 37.

25. *Calvert Papers,* Vol. I, p. 228.

26. Lingard, *History of England,* Vol. VII, pp. 95, 98.

27. In the translation given in the *Maryland Fund Publication,* the Latin *"Sabbatum"* is rendered "Sabbath" instead of Saturday. "Sunday," as the first day of the week, was the Anglo-Catholic as well as the Roman Catholic term, while the Hebrew *"Sabbath"* appeared in vogue for the Christian "Sunday" under the Puritan régime. "Sabbath" for "Sunday" appeared first (1573) in English literature at the time of the rise of Puritan ideas under Elizabeth.

28. The quotations are taken from the *Relatio Itineris* of Father Andrew White. The translation of the Latin version in *Maryland Fund Publication* No. 7 is used to supply details not given in the prescribed English version.

29. At one time some confusion prevailed as to the location of Boavista, given as "Bonavista" in the *Relatio Itineris.* This account stated that it lay off Angola, an African province, which formerly stretched much farther north. Undoubtedly Boavista in the Cape Verde Islands is meant.

30. *Maryland Fund Publication,* No. 35.

31. Now Blackiston's Island, which, according to J. W. Thomas, in his *Chronicles of Colonial Maryland,* was then, as now, eighty acres in extent. Dr. Thomas apparently establishes the point that the "four hundred" acres given in the *Relatio* is an error of the copyist.

32. "To leave the Indian in possession of the country, was to leave the country a wilderness, and to govern them as a distinct people, or to mix with them and to admit them to an inter-community of privileges, was impossible under the circumstances of their relative condition. The peculiar character and habits of the Indian nation rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate and dependent, with a guardian care thrown round them for their protection. The rule that the Indian was subordinate to the absolute, ultimate title of the government of the European colonies, and that the Indians were to be considered as occupants and entitled to protection in peace in that character only, and incapable of transferring their right to others; was the best one that could be adopted with safety."—Chancellor Kent's *Commentaries;* Johnson *vs.* McIntosh, & Wheaton *Rep.* 563.

33. Kiskiacke.

CHAPTER II

1. Letter to Lord Baltimore, May, 1634, *Calvert Papers.* "Murderers" were small cannon. The entire purchase, including the site of a city to be constructed according to the specifications of Lord Baltimore, was first called Augusta Carolina, soon to be known and extended as St. Mary's County.

2. Spelling and punctuation modernized.

3. Presumably the *Ark.*

4. The Virginians do not celebrate the first landing in April, but the landing at the point of settlement; likewise the New Englanders celebrate, not the first stop at Provincetown, but the final landing at Plymouth.

5. *Cf. Maryland Congregationalists Two Hundred Years Ago.* Rev. Edwin Johnson, *Pamphlets,* Maryland Historical Society.

6. Claiborne "did severall times repaire to this respondents [Cloberry] house importuning him and by his greate promises of profitts persuadinge him to adventure with him in a joynt stocke for the bay of Chesapeake, etc."—*Cloberry Papers,* Maryland Historical Society.

7. In a previous chapter reference has been made to the Walloon settlement proposed for Virginia, but which ultimately landed at New Amsterdam.

One Walloon immigrant, Nicholas Martiau, received from James I denization papers about 1620. When the first American census was taken by Hotten in 1623, the name of Nicholas Marteaw is duly given as one of the colonists having arrived in the *Bona Ventura.* In the second census ordered by the Virginia Company and completed in 1625, the name of Nicholas Martue is recorded, this time with the prefix of "Captain," for Martiau was active in the warfare against the Indians. He was evidently a man of exceptional ability and rose rapidly to public favor until he became one of the best known citizens of his adopted land. In 1625, after the death of his first wife, he married the widow of John Berkeley, who had been slain by the Indians. Both enumerations were made by the same "census-taker," yet two different spellings are recorded. Governor Harvey spelled Captain Martiau's name three ways—two of them different from the foregoing—in his correspondence and official commissions. Once it was Martue, and several times it was Martien or Martian. The variation Martiau has prevailed with those who have made the most recent research, such as Dr. Lyon G. Tyler and Judge John L. Thomas. *Cf. Virginia Archives; The Virginia Magazine of History and Biography,* April, 1894, p. 425; and *Tyler's Quarterly Magazine,* July, 1919. The findings of these researchers are supported by the following comment from Baron de Cartier, Belgian Ambassador at Washington: *"en ce qui concerne le Wallon, Nicholas Martiau, il est indubitable que c'est un Wallon de vielle souche, 'martiau' étant le vieux mot wallon significant 'marteau' en français, etc, de nos jours encore, dans mon coin de pays, autour de Charleroi, on dit 'martiau' en patois wallon, lorsque l'on veut dire 'marteau' en français."*—Letter to the author, 23 December, 1923.

From 1633 to 1657, Martiau held the honorable office of Justice of York, an office then administered in Virginia somewhat after the fashion of an English country squire. One of his daughters married William Fuller, Governor of Maryland; another married Colonel George Read, member of the Virginia Council. The latter's daughter, Mildred Read, married Augustine Warner, Jr., whose daughter Mildred married Lawrence Washington, the grandfather of George Washington. Through this marriage, also, Justice Martiau became the ancestor of Thomas Nelson. One descendant was, therefore, commander in chief of the Continental Army at the battle of Yorktown; the other, Governor of the State and commander of the Virginia forces. Captain Martiau was "one of the chief speakers" against the high-handed acts of Governor Harvey; and since it was the arrest of Martiau and two others that led to the forced resignation of the King's appointee, it may be said that the resistance to British authority begun by Captain Martiau and others at Jamestown in 1635 was completed in 1781 by his descendants on the site of Martiau's plantation.

8. *Council Proceedings, Maryland Archives,* Vol. III, p. 24.

9. Robert Evelin, first an adherent of Claiborne, then of Cloberry and Company, in opposition to Claiborne, and finally of Lord Baltimore, openly voiced this disparagement. Of Leonard Calvert he exclaimed: "Who was his grandfather but a grazier? What was his father? What was Leonard Calvert him-

self at school, but a dunce and a blockhead; and how has it come to this, that such a fellow should be governor of a province and assume such lordly aims?" —Quoted by Streeter in *The First Commander of Kent Island;* p. 6; *Fund Publication,* No. 2. On the other hand, Philip Alexander Bruce, in *Social Life in Virginia in the Seventeenth Century,* declares Governor Harvey wrote in a letter to Lord Dorchester, May 29, 1630, that "Captain Cleburne's brother Robert" was but a "stocking seller," a reference to Robert's having gone into trade as a merchant of London.

10. *Council Proceedings, Maryland Archives,* Vol. V, 164.

11. *Ibid.,* p. 162.

12. *Ibid.,* Vol. III, p. 29.

13. It appears that the *Long Tail* was captured by Captain Fleet aided by a Captain Humber, albeit Scharf states or gives the impression that it was captured directly by Captain Cornwallis.

14. Captain Samuel Mathews.

15. *Maryland Archives,* Vol. III, p. 34.

16. *Ibid.,* Vol. III, p. 41. Documents and Correspondence from Public Record Office, London.

17. *Cf.* Baltimore's letter to Secretary Windebank, *Maryland Archives,* Vol. III, pp. 41–42.

18. *Sainsbury Papers,* III, 137.

19. S. F. Streeter, *Maryland, Two Hundred Years Ago,* p. 23, Maryland Historical Society Publications, Nos. 1–32.

20. Streeter, *The First Commander of Kent,* p. 28.

21. *Maryland Archives,* Vol. III, p. 71.

22. *Cf.* letter from William Cloberry, *Maryland Archives,* Vol. III, p. 77.

23. *Ibid.,* p. 78.

24. *Council Proceedings, Maryland Archives,* Vol. III, p. 92 Hazard, *Collection of State Papers,* Vol. I, p. 493.

25. Introduction to *Leah and Rachel, or, The Two Fruitful Sisters, Virginia and Maryland,* by John Hammond, 1656; Hall, *Narratives of Early Maryland.*

26. The Baltimore and Ohio Railroad crosses the Susquehanna over what is now known as Watson's or Garrett Island. In the early life of the Virginia and Maryland colonies, this island, then known as Palmer's, was considered a strategic point for trade with the Northern tribes of Indians. It was an important outpost of Claiborne's plantation at Kent Island; it could be easily supplied by the superior sea power of the whites and protected against such attacks as the Indians might, on occasion, direct against it.

Originally this island was named after Edward Palmer, of England, who, in the 1620's, planned to "erect an academy" there, and purchased the island for that purpose. His plan was, no doubt, similar to and contemporary with that originated by our earliest educational philanthropists at Jamestown, who established there the College of Henrico, the first school in Anglo-America. Palmer's plans for the distant island at the mouth of the Susquehanna failed, because, according to Fuller, "some instruments employed" to forward his plans did not discharge "the trust reposed in them with corresponding fidelity."

It may never be absolutely established that the Anglican priest of Kent Island was the Reverend Mr. James sent out by George Calvert to Avalon. He may have accompanied Lord Baltimore to Virginia in 1629, when they parted company. In any event, it seems worth while to quote below from the monograph on "Maryland Toleration," by the Reverend Ethan Allen; *Pamphlets,* No. 253, pp. 29–30, Maryland Historical Society. Claiborne's accounts show "allowances" for the support of clergy at Kent Island from 1631 to 1636.

"The Rev. Richard James, as before stated, was a resident clergyman on Kent Island, for some years up to the present. This gentleman, it appears, had previously been librarian to Sir Robert Cotton, the famous antiquarian; and when Sir George Calvert, the first Lord Baltimore, obtained as a Protestant his charter of Avalon, in the Island of Newfoundland, and took his Protestant Colony thither, he was the Minister there. We next find him as above stated, the Minister of Kent Island. In this year, he seems to have accompanied Captain Claiborne to England, and to have died at Sir Robert Cotton's in 1638. On Captain Claiborne's return to Virginia, he administered on the Rev. Mr. James's estate, and August 1st, 1640, is found this record: 'Captain Claiborne, administrator of Richard James, Minister, brought into Courte at James' City, his inventory and account. He alleged, that the Governor of Maryland had seized on the greater part of the estate of Mr. James, and detained it from him, Claiborne.' He therefore asked to be discharged, which was granted; so, also, in another record, December 30th, 1637, the cattle of Gertrude James were seized by a writ from St. Mary's."—See Skirven's *First Parishes of Province of Maryland;* also, *Athenae Oxioniensis,* and articles in the *Gentleman's Magazine* for 1767 and 1768.

27. Hall, *Narratives of Early Maryland,* p. 88.

28. Bozman, *History of Maryland,* Vol. II, p. 116.

29. *Cf.* J. C. Ballagh, *A History of Slavery in Virginia;* and John H. Russell, *The Free Negro in Virginia.*

30. *Pamphlets,* No. 253, "Maryland Toleration," p. 25, Maryland Historical Society.

31. Term used by the negro writer and educator, W. C. Burghardt Du Bois, in the *Atlantic Monthly,* September, 1902.

CHAPTER III

1. *History of Maryland,* Vol. II, p. 96.

2. *Archives,* Vol. I, p. 53.

3. Three years later the Assembly passed a more strenuous regulation as follows: "Every one convicted of being drunk (to be determined by the Judge) by or before any sworn Judge . . . shall forfeit 100 lbs. tobacco toward the building of a prison or such other public use as the Lord Proprietary or his Lieutenant General shall think fit: or if the offender be a servant and have not wherewith to satisfy the fine, he shall be imprisoned or set in the stocks or bilbos fasting for 24 hours: this act to endure till the end of the next assembly."—*Archives* I, p. 159.

4. *Archives,* Assembly Proceedings, Vol. I, p. 70.

5. Wilhelm, *Local Institutions of Maryland, Hopkins, Third Series,* pp. 327, 332. Kilty, *Landholder's Assistant,* p. 77.

6. *Archives,* Vol. I.

7. *Ibid.,* pp. 71–72.

8. *Ibid.,* p. 72.

9. *Ibid.,* p. 78.

10. *Ibid.,* p. 77.

11. *Ibid.,* p. 130.

12. *Ibid.,* p. 131.

13. *Cf.* Beauchamp's Plantagenet's *New Albion,* 1648, the term recalling an interesting attempt to establish a Palatinate by that name just north of, and yet encroaching upon, Lord Baltimore's province. Robert Evelin was subsequently shown to have been connected with the plan, by correspondence and reputation, at least; and the knowledge of this on the part of the Calverts may have led to the departure of Evelin for the West Indies.

14. *Cf. Streeter Papers,* Maryland Historical Society. Streeter adds that Captain Fleet had orders under Lewger's abortive commission to "prevent the Pascatoways from treating with the common enemy, or taking any step without the assent of their queen, a convert to Christianity residing at St. Mary's." In Virginia, at about this time, Captain Claiborne was more successful. He went out against the savages, defeated them, and destroyed their crops. Captain Fleet had left Maryland, together with one of his brothers, but a third brother remained in the Province.

15. At present writing the descendants of the Nanticoke natives live in Ontario and are said to be proud of their blood and traditions.—F. G. Speck.

16. Incidentally, Hardige, a tailor by trade, furnishes us with an interesting study in the unfolding of a pioneer democracy. Taking advantage of the political freedom and approximate equality in America, he appeared to take delight in making himself seen and heard on all possible occasions. The first time he appears in the Court and Testamentary records, Cornwallis calls him to account for "2360 lbs. of tobacco, with cask." In eight years his name appears in litigation of some sort no less than forty-eight times. Subsequently, he was one of those who sacked the house of Captain Cornwallis. *Cf. Archives,* Assembly Proceedings, Vol. I, p. 120. *Archives,* Court and Testamentary Business, Vol. IV, p. 232 *et seq.*

17. *Ibid.,* pp. 232–233.

18. *Archives,* Journal of the House of Lords, Vol. III, p. 166.

19. *Papers,* p. 267.

20. *Cf. Maryland, The Land of Sanctuary,* p. 182. Elsewhere, Bishop Russell speaks of "Father *Philip Fisher* (alias Copley)." *Ibid.,* p. 88. Because of the prevailing persecution in the mother country these priests had to assume different names at different times or places. Sketches of the early Jesuit missionaries have been published in the *Streeter Papers* and elsewhere. On behalf of the cause they represented the zeal and sacrifices of these missionaries were unbounded. In utter disregard of danger, hardships, and death, they worked singly or in pairs over as extended a field as possible, so that they might the sooner gain an intimate knowledge of the natives and their language. Father Andrew White, the author of the invaluable *Relatio Itineris,* traveled many miles through the forest to Kittamaquund to work with the Pascataway Indians, where it is recorded, he "lived in the palace with the Emperor himself." From this advanced post, as previously related, he was subsequently recalled by Governor Calvert lest he should suffer harm or be held by the Indians as a hostage. Father Philip Fisher, as Mr. Thomas Copley, Esq., lived at St. Mary's and was general manager of the property acquired by the Jesuit order. It was Copley, in particular, who sought temporal possessions for the Church in direct opposition to Lord Baltimore's plans for the separation of Church and State and the subjection of the Church to the State in temporal matters.

Father John Brock (John Morgan) labored at the plantation "Mattapanient," or "Mattapany," presented by the tayac Maquacomen. Father Brook gave himself wholly to the conversion of the savages. In a letter dated May 3d, 1641, he wrote: "I would rather, labouring in the conversion of these Indians, expire on the bare ground, deprived of all human succour, and perishing with hunger, than once think of abandoning this holy work of God from fear of want." *Fund Publication* No. 7, p. 126. Father John Gravener (John Altham) went to Kent Island and the upper reaches of the bay.

21. Many of the older Maryland historians say February, *1644*. Also, Stratemeier, in his very admirable monograph on Captain Cornwallis, writing as late as 1922, says, "February of the same year [1644], after referring to events that happened in the fall of 1644. Believing that this following of the Old Style year, although technically correct, is confusing, this work assumes, according to the present style of computing dates, that the New Year begins January 1st.

22. *Papers,* p. 271.

23. *Archives,* Vol. III, p. 157.

24. *Cf. Streeter Papers*, p. 272 *et seq.* Possibly some of Ingle's men stayed to become citizens of the colony. Others probably departed with or shortly after their restless leader, who, in the meantime, had appropriated Cornwallis's £200 worth of goods, although he may have had nothing to do with despoiling his house, a complaint that Cornwallis finally laid against others, who had taken advantage of the sense of insecurity and the general lack of authority in the Province.

25. *Streeter Papers*, p. 273.

26. *Archives,* Vol. I, p. 215.

27. William Hand Browne, *Maryland: A History of a Palatinate,* p. 64.

28. Not fully substantiated by records known to the author; *cf. History of Maryland,* Vol. I, p. 195.

29. *Archives,* Vol. I, pp. 238–239.

30. *Ibid.,* Vol. IV, pp. 320–321.

31. In all Anglo-American colonies, in which the people, from the first, assumed a great amount of individual liberty, it was difficult or dangerous to make "impressments" even in time of great need. That there were profiteers in those days, who were ready to reap personal gain from public need or disaster, is shown by the fact that it was necessary to make regulations to prevent the exportation of corn from the Province, and it was provided that all

private stores of corn were to be examined by specially appointed officials to prevent the hoarding of any amount over and above the necessary sustenance for each family group according to the number of persons.

32. Bozman, *op. cit.,* Vol. II, p. 333.

33. S. F. Streeter, *Maryland, Two Hundred Years Ago.*

34. The duties of the muster master general "were to train and exercise the inhabitants of the Province to the use of arms."—Bozman, *op. cit.,* Vol. II, p. 338.

35. *Provincial Court Records,* 1658–1662; *Archives,* Vol. XLI, pp. 454–457.

36. *Archives,* Vol. III, pp. 470, 488, 521; Vol. IV, p. 521.

37. Winsor, *Narrative and Critical History,* Vol. III, p. 370; Arnold, *History of Rhode Island,* p. 492 *et seq.*

38. *Pageant of America,* Vol. X, p. 102.

39. *Cf.* Smith's *Religion under the Barons of Baltimore.*

40. *Archives,* Vol. IV, pp. 35–36.

41. John Lewger arrived in Maryland in 1637. Lewger supported Lord Baltimore's ideas of the separation of Church and State and opposed the Jesuits in their demands for temporal privileges. Lewger remained in Maryland until 1847, when he returned to England.

42. *Calvert Papers,* No. 7, p. 166.

43. *Woodstock Letters,* Vol. IX, p. 171.

44. *Calvert Papers,* Vol. I, pp. 216–218, Maryland Historical Society, *Fund Publications,* pp. 23–30.

45. Russell, *op. cit.,* p. 171.

46. *Calvert Papers,* Vol. I, pp. 219–220.

47. *Ibid.,* p. 166.

48. *Cf.* "Act for Church Liberties," *Archives,* Vol. I, p. 40; also Vol. XLI, p. 566.

49. Dr. Bernard C. Steiner.

50. *Beginners of a Nation,* p. 252.

51. *Cf.* Russell, *op. cit.,* p. 147; see also Cobb, *The Rise of Liberty in America;* Hawks, *Rise and Progress of Protestant Episcopal Church in Maryland.*

52. *Pageant of America,* Vol. X, p. 94.

53. *Beginners of a Nation,* p. 253.

54. Henning, Vol. I, p. 277.

55. *Cf.* Latane, *Early Relations between Maryland and Virginia,* p. 172; Randall, *Puritan Colony in Maryland; J. H. U. Studies.*

56. *Archives,* Vol. I, p. 287.

57. For the list of Commissioners, exclusive of Captain Edmund Curtis, see *Archives,* Vol. III, p. 264. For authority in regard to the original mention of Maryland by name, and the subsequent omission, see John Langford's *Refutation of Babylon's Fall,* reproduced in Hall's *Narratives of Early Maryland.*

58. *Cf.* Latané, *Early Relations between Maryland and Virginia,* p. 174. For these *Articles* see Henning's *Statutes at Large of Virginia.*

59. Bozman, Vol. II, p. 440. It may be said that in the choice between an oath of allegiance or disfranchisement history repeated itself in the disfranchisement of a part of the population of Maryland some two hundred years later, during the War of Secession.

60. *Archives,* Vol. III, pp. 275–276.

61. *Ibid.,* pp. 277–278.

62. *Cf. Proceedings of the Council of Maryland,* 1648–1655, *Archives,* Vol. III, pp. 298–299.

63. Bozman, Vol. II, p. 478.

64. *Archives,* Vol. III, pp. 311–313.

65. *Ibid.,* p. 312.

66. *Ibid.,* p. 313.

67. *Ibid.,* Vol. I, p. 340.

68. *Ibid.,* p. 341.

69. *Ibid.*, p. 343.

70. "Ingrocer"—a variation of the more usual spelling of the obsolete "engrosser," a monopolist.

71. *Archives,* Vol. I, p. 352. These provisions, among many others, clearly demonstrate that the Puritans were not averse to absolute control of the government and the maintenance of special privileges. In Massachusetts a number of the Puritan leaders had been men of high rank in the mother country; not only were these and their associates jealous of social distinctions, but they set up a limited or exclusive theocracy, which they described, in substance at least, as a government by the few for the benefit of all. *Cf.* James Truslow Adams, *The Beginnings of New England;* cf. also *Maryland Archives, Court; Proceedings,* 1649–1657, pp. 425–429.

72. *Thurloe Papers,* Vol. I, p. 724.

73. Langford's *Refutation of Babylon's Fall.*

74. Mrs. Stone contributes her ideas as to Governor Stone's intentions in proceeding to meet the Puritans at Providence, as follows: "My husband, I am confident, did not think that they would have engaged."

75. For reprints of the letter of 1656, see *Fund Publication* No. 7, p. 92, and Hall's *Narratives of Early Maryland,* p. 141 *et seq.*

76. *Archives,* Vol. I, p. 388.

77. *Cf.* Depositions of Miles Cooke and Samuel Tilghman, mariners, *Council Proceedings, Archives,* Vol. III, p. 387.

78. *Archives,* Vol. V, p. 267 *et seq.*

79. Maryland Historical Society, *Fund Publication* No. 12; *cf.* also George Fox's *Journal,* abridged by Perry L. Parker, p. 431; and J. S. Norris, *The Early Friends in Maryland,* pp. 12–14.

The exact date of the death of Wenlock Christison is not known, but it is believed that he died in 1679 or thereabouts. By the terms of his will he set free his "faithful servant" John Stacy. The records further show that in a remarkably short period of time, he who must have been a penniless wanderer had come not only into the possession of a comfortable estate, but also into the ownership of indentured servants and negro slaves. "In Plymouth Patent," says the Quaker annalist, George Bishop, "Wenlock Christison had been Imprisoned and Suffered Twenty Seven cruel Stripes, on his naked Body, at one time, laid on with Deliberation (so was the Order of the Magistrates, who stood to see it) in the cold Winter Season, who bid the Jaylor lay it on, who did it as hard as he could, and then robbed him of his Wastcoat, (though in that cold time of the year he was to pass through the Wilderness); and his

Bible the Jaylor took for Fees, who came about Midnight, much in drink." Frequently, it should be said, the Quakers on trial would take delight in trying to trap the Puritan magistrates and ministers into statements that might be used against them by King or Parliament. But all were not content in setting forth in open court the weaknesses of their judges; a few, more or less crazed by the spirit of the times, brooded to excess over their wrongs and the evils of their day; so that they broke into the church meetings of the Puritans, representing all too literally in their persons "the naked truth." The old Quaker historians, such as Joseph Besse, recorded these rather startling examples of Quaker behavior as acts of piety for women of "exemplary modesty," which were "exceedingly hard and self-denying." He protested against the cruelty of punishing them for their vestureless appearances, which, he said, they had so assumed in public for "conscience' sake."—*A Collection of the Sufferings of the People Called Quakers.*

80. *Archives,* Vol. III, p. 362. "Governor Fendall, in 1659, issued an order that Quakers thus disturbing the peace, should be whipped and banished from the colony. This order, however, was never carried out or sanctioned by the Proprietary."—Russell, *Land of Sanctuary,* p. 258.

The Council remonstrated in July, 1658, that Quakers had declared that "they were to be 'governed by Gods lawe and the light within them & not by mans lawe' . . . and that theyr principles tended to the destruction of all Government."—*Archives,* Vol. III, p. 352.

81. *Cf. Records English Province,* S. J. V. 3, Series 7, p. 364; paper headed "Cases," Vol. IV, Stonyhurst MSS. Copy held at Woodstock College, Woodstock, Maryland. Although Lord Baltimore sincerely thought at the time he wrote to Lord Strafford of the embarkation that he was shipping more than three hundred emigrants, it was afterward noted that some had "given over their voyage by reason of the stay of the ship." *Cf.* Strafford's *Letters and Dispatches,* Vol. II, p. 179; Watkins's *Certificate,* Pub. Record Office, London. Shortly after the first settlement Lord Baltimore corrects his earlier estimate in a "Declaration" before the House of Lords, in which he asserts that he had settled "above two hundred people there."—*Calvert Papers,* Vol. I, p. 228.

82. *Calvert Papers, Fund Publication* No. 28, p. 179.

83. *Ibid.,* p. 221.

84. *Ibid.,* p. 192; *Rent Rolls of St. Mary's County.*

85. *Ibid.,* No. 1, pp. 179–181.

86. *Archives,* Vol. X, pp. 256–257, 258.

87. *Cf.* Anna Sioussat, "Colonial Women of Maryland," *Maryland Historical Magazine,* Vol. II.

CHAPTER IV

1. *A Character of the Province of Maryland,* London, 1666.

2. *Supra.*

3. *Archives,* Vol. III, p. 232.

4. *Ibid.,* p. 506.

5. *Ibid.,* Vol. III, p. 509.

6. *Ibid.,* Vol. V, p. 351 *et passim.*

7. *Ibid.,* p. 18.

8. *Council Proceedings, Archives,* Vol. V, pp. 5–9.

9. *Archives,* Vol. V, p. 17.

10. *Ibid.,* Vol. I, p. 251.

11. *Ibid.,* Vol. II, p. 138. The proposed building was sometimes referred to as the "Stadt House."

12. *Ibid.,* Vol. I, p. 415.

13. *Early Presbyterianism in Maryland,* J. H. U. Studies, Vol. VIII, pp. 8–9.

14. *Archives,* Vol. II, pp. 159–160.

15. *Ibid.,* p. 163.

16. *Ibid.,* Vol. I, p. 521.

17. *Cf.* S. G. Arnold, *History of Rhode Island,* Vol. II, p. 495.

18. In his series of lectures upon *The Lords Baltimore and the Maryland Palatinate,* Clayton C. Hall expresses the belief that Cecil Calvert rather than Charles first favored these changes in procedure; but the evidence clearly seems to point the other way.—*Lecture* Vol. IV, p. 106 *et seq.*

19. *Archives,* Vol. II, p. 131. See also Chapter II on the beginnings of Cecil Calvert's policy toward the aborigines.

20. *Ibid.,* pp. 14–15.
We cease to wonder that so few settlers undertook to master the Indian dialects when we consider the names of the individual Indians and of their

tribes. For example, we find a simple notation in the records of December 26, 1660: "A license was granted by the Governor to five Indians, (*vizt*) Winand, Maquotick, Unachanataw, Meughcam, and Quandawwaghweigh to hunte Rakone [raccoon], Wolves and other wild beasts."

Again, "Articles of Peace and Amity" were "concluded betwixt the Hon. Charles Calvert, Esq., Governor Philip Calvert, Esq., Chancellor Henry Sewell, Esq., Secretary Mr. John Bateman, Councellor on the behalf of the Lord Proprietary of this Province of Maryland, and Hocpeckquomeck, Lennoswewigh, and Colaccameck, Kings of the Delaware Bay Indians, by their Embassadors Monickta, Chehoock, and Tichacoon, sent to treat at the fort of New Amstill this 3d day of August, 1663" (*Ibid.,* p. 486), also, in June, 1666, we find the terrapin and fox "marks" of Wastahanda Hariguera and Gosweinquerackqua affixed to a treaty between the English and the Susquehannocks, in which the Indians pledge themselves to give up Wanahodana, an alleged Indian murderer of an Englishman should he "return out of his captivity" (alleged?) from the Senecas, and also the two sons of the King of Potomac. Occasionally one is tempted to believe that the colonial scribes exercised special ingenuity in the production of the most difficult orthographic combinations. However that may be the results of their efforts at spelling what they heard are presented in the Ohonogeoguena, Unquehiett, Usququhaga, Sconondihago Sinnondowannes, and Karquasitega "nations."

21. *Archives,* Vol. I, p. 413.

22. *Ibid.,* vol. II, p. 71.

23. *Ibid.,* pp. 72, 478 *et passim.*

24. *Ibid.,* p. 475 *et passim.* According to interpreter Shanks's testimony before the Upper House in May, 1676, when Major Truman suggested joint pursuit of the Senecas the Susquehannocks did not welcome the idea but objected that the Senecas had too long a start. Truman then declared that he had good horses, and they were good foot men and might soon overtake them, to which the Indians gave assent.

25. *Ibid.,* p. 493 *et passim.*

26. *Ibid.,* Vol. V, p. 135.

27. *Ibid.,* Vol. V, p. 134.

28. *Ibid.,* Vol. III, p. 365.

29. *Cf.* Professor Edward B. Mathews, who has stated the case scientifically and exhaustively in Vol. VII of the *Maryland Geological Survey.*

30. *Ibid.,* Vol. V, pp. 457–458.

CHAPTER V

1. *Archives,* Vol. V, p. 133.

2. *Supra,* p. 163.

3. *Archives,* Vol. V, pp. 133, 134.

4. *Ibid.,* p. 354. The document was signed by Thomas Tailler, William Stevens, William Digges, Thomas Burford, Philip Lloyd, John Rousby, Kenelm Cheseldyn, Richard Ladd, William Burgess, Joseph Wickes, Jonathan Sibery, George Wells, William Hatton, Henry Smith, Henry Trippe, John Hynson, J. Waterton, John Stone, James Mills, Bartholomew Ennalls, Nathaniel Garrett, James Dashiell, Roger Wolford, John Brooke, and John Llewellin.

"There is other evidence than that of Lord Baltimore to show that on the part of some of the Protestant laity there was a disposition to make liberal provisions for the support of the clergy. In January, 1675, Mr. Jeremiah Eaton devised by will his estate of Stokely Manor, containing 550 acres, to the first Protestant minister who should settle in Baltimore county, and to his successors. This liberal bequest induced Mr. Yeo, the archbishop's correspondent, to remove in 1682 from Calvert to Baltimore county, where he was the first resident minister of any denomination of whom we have any notice."—Scharf, *History of Maryland,* Vol. I, p. 284.

5. *Archives,* Vol. V, p. 311.

6. *Cf.* Baltimore's letter to the Earl of Anglesea, *Archives,* Vol. V, p. 280. It is not unnatural that Charles Calvert should get Berkeley's standpoint.

7. *Archives,* Vol. V, pp. 280–281.

8. *Ibid.,* Vol. XIII, p. 148. For a later manifestation of this theory see the speech of Wilhelm II at Koenigsberg, August 25, 1910: "Looking upon myself as the instrument of the Lord, without regard to the opinions and intentions of the day, I go my way."

9. *Ibid.,* Vol. VIII, p. 83.

10. Hall, *The Lords Baltimore and the Maryland Palatinate.* Atheist or not, Coode prepared battle slogans that were religious as well as political.

11. *Archives,* Vol. VIII, p. 118 *et passim.*

12. In the "Memorandum of [Richard] Smith's case" the statement is made in reference to Anne Arundel County "in which there is not five papists, they would not choose Burgisses at Coode's Command."—*Archives,* Vol. VIII, p. 149.

13. *Ibid.*, p. 185. *Cf.* also: "At the Court at Whitehall the 21st of August, 1690. By the Lords of the Council: It is this day ordered in Council, that their Majesty's Attorney General do forthwith proceed by *scire facias* against the Charter of the Lord Baltemore Lord Proprietor of Maryland, in order to vacate the same."—*Archives,* Vol. VIII, p. 200.

14. *Ibid.,* Vol. V, p. 301.

15. *Ibid.,* p. 133.

16. In regard to toleration only, exception may properly be taken to this statement as to the attitude of Rhode Island, New Jersey, and Carolina.

17. Apparently, in Europe, there had been some overtures on the part of the Quakers to amalgamate the two bodies; and some authorities (*e. g.,* Dr. B. B. James) have asserted that similar steps were taken by the Friends in America.

18. *Johns Hopkins University Studies,* 17th Series, p. 309; *cf.* also *The Labadists of Bohemia Manor,* by George A. Leakin, *Maryland Historical Society Magazine,* December, 1906.

19. *Archives,* Vol. II, p. 139.

20. *Ibid.,* Vol. I, p. 188.

21. *Cf.* H. C. Murphy, *Memories Long Island Historical Society.*

22. *Cf. Makemieland Memorials,* by Rev. L. P. Bowen, D. C.

23. *Cf.* Hodges, *History of the Presbyterian Church,* Vol. I, p. 77; Spence, *Letters on the Early History of the Puritan Church,* p. 82.

24. *Archives,* Vol. VIII, p. 5 *et passim.*

25. William Dare and Gideon Gundry.

26. James Wroth, Nicholas Allom, and George Stevens.

27. *Archives,* Vol. VIII, pp. 32–35.

28. *Ibid.,* Vol. IV, pp. 9–10.

29. *Ibid.,* Vol. III, p. 374.

30. *Ibid.,* Vol. II, p. 42.

31. *Ibid.,* Vol. I, p. 533. *Cf.* also J. H. Russell, *The Free Negro in Virginia* (1913) and J. C. Ballagh, *A History of Slavery in Virginia.*

32. *Ibid.,* Vol. II, p. 272.

33. Passed June 27, 1691, *Archives,* Vol. VIII, p. 233.

34. *Ibid.,* Vol. XIII, p. 313.

35. *Ibid.,* Vol. VIII, pp. 478–479.

36. *Ibid.,* Vol. XIII, pp. 251–252.

37. *Ibid.,* Vol. VIII, p. 500. In the meantime *habeas corpus* proceedings had released Sir Thomas from confinement in Maryland.

38. *Ibid.,* p. 461, *et seq.* Of the Baltimore County Fort there is a good deal on record. It was known locally as "the Garrison," from which Garrison Forest, Garrison Church, in the County (St. Thomas), and Garrison Boulevard in northwest Baltimore have taken their names. The Reverend Ethan Allen (1898), in his monograph on this subject, states that "an old stone building still standing on the estate of Mr. Charles Moore near Pikesville," of which he gives a photograph, is the Fort built between the Potomac and Susquehanna rivers, in the woods beyond the farthest settlements.—*History of Garrison Church,* by the Reverend Ethan Allen.

39. *Archives,* Vol. VIII, pp. 204, 452.

40. *Ibid.,* Vol. VIII, p. 400. Another of the accomplishments of the Copley administration lay in the restatement of provincial law, and preparation for the better preservation of Court, Assembly, and other records.

41. *Ibid.,* Vol. XIX, pp. 73–75.

42. *Ibid.,* pp. 76–77.

43. *Ibid.,* Vol. II, pp. 262–264.

44. *Ibid.,* Vol. XIX, p. 36.

45. *Ibid.,* p. 49.

46. *Cf.* Gambrall, *Church Life in Colonial Maryland;* Lossing, *Field Book of the American Revolution; Archives,* Vol. XIX, pp. 584–587.

47. *Archives,* Vol. XIX, p. 532.

48. *Cf.* Randall, *Notes on a Colonial Free School in Anne Arundel County, with Sidelights upon the Early Education of Johns Hopkins, Maryland Historical Magazine,* September, 1923, Vol. XVIII, pp. 248–256.

49. *Archives,* Vol. XIX, p. 486.

50. *Ibid.,* Vol. XXII, p. 164.

51. *Maryland, the History of a Palatinate,* p. 204.

52. *Ibid.,* Vol. XIX, p. 460 *et seq.*

53. *Archives,* Vol. XXII, p. 107.

54. *Supra; Cf. Archives,* Vol. XXII, pp. 370–381.

55. *Ibid.,* pp. 370, 374.

56. *Essay on Government, by a Virginian,* p. 55, London, 1701. See also, for additional such plans, *Colonial Documents,* New York, Vol. IV, p. 874.

57. Riley, *A History of the General Assembly of Maryland,* p. 131.

58. *Ibid.,* p. 117.

59. *Cf.* "The Three Lives Lease," Johnston, *History of Cecil County.*

60. London Public Record Office, Maryland B. T., Red., No. 4, H. p. 91; Scharf, *History of Maryland,* Vol. I, p. 376.

61. *Cf.* Scharf, *History of Maryland,* Vol. I, p. 372.

62. Bishop, *A History of American Manufactures,* Vol. I, p. 584 *et seq.* See also Griffith's *Annals of Baltimore.*

63. Bishop, *op. cit.,* Vol. I, p. 571.

64. *Cf. Ibid.,* Vol. I, p. 82 *et seq.*

65. *Archives,* Vol. XIX, pp. 582–583.

66. *Cf.* Perry Papers, relating to the History of the Church in Maryland, p. 57 *et seq.;* Hawks, *Contributions to the Ecclesiastical History of the United States,* Vol. II, p. 124 *et seq.;* Osgood, *The American Colonists in the Eighteenth Century,* Vol. II, pp. 27, 29. The history of the discrimination against Roman Catholics during this period, and, in fact, the whole of the period from 1688 to 1776, is given in considerable detail by Bishop Russell in *Maryland, the Land of Sanctuary.*

67. *Archives,* Vol. XXIII, p. 508.

68. *Ibid.,* Vol. XIX, p. 557.

69. *Ibid.,* Vol. XXVI, p. 281 *et passim.*

CHAPTER VI

1. A nephew of Charles Carroll was one of those who engaged in what was probably an escapade rather than a serious plan of any group for or against a political party. The well-to-do were heavily fined; but Jacob Fox, servant of Mr. Joseph Hill, was whipped and put in the pillory.

2. Riley, *A History of the General Assembly of Maryland,* p. 161.

3. October, 1724.

4. Riley, *op. cit.,* p. 175.

5. *Ibid.,* p. 176.

6. Riley, *op. cit.,* p. 177.

7. *Calvert Papers.* Maryland Historical Society, Brantz Mayer, *Tag-Gah-Jute,* p. 25.

8. *Cf.* Scharf, *op. cit.,* p. 403 *et seq.*

9. *Cf. Calvert Papers,* Maryland Historical Society; Hall, *The Lords Baltimore and the Maryland Palatinate,* p. 153; Scharf, *History of Maryland,* p. 409 to end. Mathews, *Maryland Geological Survey,* Vol. VII, p. 164 *et seq.*

10. Mathews, *Maryland Geological Survey,* Vol. VII, p. 189.

11. McMahon, *Historical View of the Government of Maryland,* Vol. I, p. 68.

12. *Archives,* Vol. XIII, pp. 245, 254, 326.

13. *Ibid.,* pp. 148, 164; Vol. XXIII, p. 180.

14. *Ibid.,* Vol. XX, pp. 171, 181, 187, 198.

15. *Ibid.,* pp. 539, 558, 562, 565, 578, 583; Vol. XXIII, pp. 180–181.

16. *Ibid.,* Vol. XXII, p. 82.

17. *Ibid.,* p. 82.

18. *Ibid.,* pp. 86–93.

19. *Ibid.,* p. 107.

20. *Ibid.,* Vol. XXIII, pp. 502–504.

21. *Ibid.,* Vol. XXII, p. 214.

22. *Ibid.,* pp. 237, 243–244.

23. *Ibid.,* pp. 248, 269.

24. *Cf. Calvert Papers,* p. 953, Maryland Historical Society.

25. *Cf. George Washington, the Human Being and the Hero.* See also review of same in the *Master Mason,* May, 1927.

26. *Cf.* Beer, *The Old Colonial System,* Preface, Part I, Vol. I.

27. Franklin, *Autobiography.*

28. *Archives,* Vol. VI, p. 265. Sharpe ordered the construction of four forts, "one at Tonallaway Creek, and three under the North Mountain." Colonel Dunbar with 1,200 men deserted Fort Cumberland on July 22d, and marched unmolested to Philadelphia. Braddock had with him in the advance detachment 1,460 officers and men, of whom 877 were killed or wounded, one of the heaviest proportionate losses known in the military annals of that age.

29. Later, when Indian raids became more frequent, these bounties were increased by the Assembly.

30. *Archives,* Vol. VI, p. 482.

31. From old Harford County MSS. in possession of Dr. A. K. Bond (1928).

32. Shea, *History of Georgetown College; Memorial of the First Centenary..*

33. *Supra,* p. 144.

34. *Cf.* Berkley, *Maryland Historical Magazine,* June, 1924.

35. Johnston, *History of Cecil County.*

36. *Cf.* Edward T. Schultz, *First Settlements of Germans in Maryland; cf.* also, Mereness, *Maryland as a Proprietary Province,* p. 123 *et seq.*

37. *Massachusetts Historical Collection,* Series I, Vol. VI, p. 194. In Maryland, the Upper House had reversed its earlier point of view (then opposed by the Burgesses) and had objected to the latter plea of the Lower House that an agent be appointed to look after the interests of the Province in London; *cf.* also Beer, *British Colonial Policy,* 1754–1765, p. 86 *et seq.*

38. Riley, *A History of the General Assembly of Maryland,* p. 277.

39. *Ibid.*

40. Scharf, *History of Maryland,* Vol. I, p. 527. Before the Maryland Assembly convened Hood had fled the province to New York with a letter of introduction from Sharpe to General Gage. There the New York representatives of the "Whigs," "Sons of Liberty," or "Patriots," as the Continental Protestants variously called themselves, compelled him to subscribe to a formal resignation from office with a humble apology for his "former conduct."

41. *Cf.* Charles M. Andrews, *Colonial Background of the American Revolution;* also Beer, *British Colonial Policy,* 1754–1765.

42. *Cf.* Ridgely, *Annals of Annapolis,* p. 140.

43. Through the columns of the Maryland *Gazette,* March 22, 1770.

44. Maryland *Gazette,* November 1, 1770. The resolutions were ordered to be transmitted to the "several colonies."

45. "Called a *town meeting"; cf.* Stewart's "Memorial" addressed to the Right Honorable the Lords Commissioners of His Majesty's Treasury, P. R. O., Vol. VI, p. 322.

46. Until recently practically all the textbooks, together with the general histories, repeated the original error, in one form or another, that "this tea was stored in damp cellars where it rotted."

47. Robert Caldeleugh, described as "manager of a Rope Manufactory carried on by Stewart and Company," made an interesting eyewitness deposition regarding the events under discussion. His statement may furnish a clue as to the identity of the person in the Custom House who deliberately set the people against rival merchants. Caldeleugh testified that when the people at the first Annapolis meeting "at the playhouse" "made enquiry who was the person that had entered the tea imported in the brigantine *Peggy Stewart.* . . . John Muir, the Deputy Collector, who attended at the meeting, was called upon." Muir declared that the brigantine had been entered at the Custom House by Mr. Anthony Stewart, and that the duty on the tea on board the said brigantine was secured to be paid by the said Mr. Stewart. . . . John Muir also declared that he "did not like to do anything against the liberties of America, but as Mr. Stewart had insisted upon entering his vessel he was obliged in virtue of his office to enter the tea and demand security for the duty thereof, which Mr. Stewart readily granted . . . *and this deponent saith* that after the meeting had received the above mentioned information from Mr. Muir, the Deputy Collector, Mr. Mathias Hammond made a motion to the following effect, as near as the deponent can recollect, that as Mr. Stewart had acted in defiance of the resolves of the committee in entering the

tea, and had made such a daring infringement on the Liberties of America, it was proper that a meeting of the county should be called before they proceeded any further in the matter then before them."

This statement, carefully veiled, perhaps, as to the attitude of Muir, may be compared with the accusation of an interested Custom House official, as made by "Americanus." Incidentally the value of the tea destroyed was estimated at £396, or nearly one fourth of the value of the ship.

48. *Cf.* Riley, *History of the General Assembly of Maryland,* p. 302; also Warfield's *Founders of Anne Arundel and Howard Counties,* p. 445. It is interesting to note that Joseph Galloway was a partner of William Goddard, by whom he was afterwards violently attacked in a special pamphlet. Benjamin Franklin, who was later officially to take Goddard's place as acting postmaster for the colonies, read the pamphlet and wrote to his son: "I cast my eye over Goddard's Piece against our friend Mr. Galloway, and then lit my fire with it. I think such feeble, malicious attacks cannot hurt him."—*Cf.* Smyth, *The Writings of Benjamin Franklin,* Vol. V, p. 378.

49. *Cf.* Copies of documents discovered and investigated by Messrs. B. F. Stevens and Brown, London, in the *Fisher Correspondence,* Maryland Historical Society.

50. It is interesting to contrast this intimidation of Editor Green in 1774 with the triumphant vindication of Editor Goddard in 1777, after the new State government had begun to take definite shape.

51. What the *Maryland Gazette* actually printed concerning the burning of the *Peggy Stewart* made it appear that all was done "from a voluntary election, unawed and unintimidated [Eddis]"; and upon this report historians have, for the most part, based their narratives. Such a report was a natural sequence to the event. Violence was in the air, and no one knew what the extreme element might undertake to do. "Mobility," to borrow Chatham's expression, once in action, would not draw fine distinctions between a moderate but misunderstood Whig and a dangerous Loyalist. Under the circumstances it could hardly have been otherwise; but, as all things go by comparison, it should be remembered that the rougher element in Maryland did not do to Governor Eden or to Anthony Stewart what the Boston mob had previously done to Governor Hutchinson.

52. For a fuller presentation of the services of Thomas Johnson in the Continental Congress, see Delaplaine, *Life of Thomas Johnson,* p. 94 *et seq.*

53. *Proceedings of the Convention of the Province of Maryland.*

54. Browne, *Maryland, the History of a Palatinate,* p. 274.

55. Force's *American Archives,* 4th Series, Vol. IV, pp. 615, 891.

56. *Cf.* McSherry, *op. cit.;* also Riley, *History of Annapolis,* p. 177; Tilghman, *History of Talbot County; History of Cecil County.* See also *infra.*

57. Gunners' assistants.

58. *Archives,* Vol. VI, pp. 243, 245; Andrews, *Poems of James Ryder Randall.*

59. *Cf.* Contribution of Reverend Ethan Allen in 5th volume, *Annals of American Pulpit,* p. 120.

60. *Cf.* Scharf, *History of Maryland,* Vol. I, p. 476; Tilghman, *op. cit.,* p. 286.

61. *Cf.* MS. of Dr. Allen Kerr Bond in possession of the author; also, letter of Dr. Frank M. Gibson, Librarian, Diocesan Library, under date of November 8, 1924; researches of Dr. Samuel A. Harrison, presented in Tilghman's *History of Talbot County; Papers of Reverend Ethan Allen;* the *Callister Letters,* etc.

62. Eddis was in Maryland for some eight years, or from 1769 to 1777. For a while the extra-legal provincial government employed him, just as if royal and proprietary authority had been set aside by common consent.

63. *Maryland at the End of the Seventeenth Century,* Henry F. Thompson, *Maryland Historical Magazine,* Vol. II, p. 165.

CHAPTER VII

1. McMahon, p. 411, *et seq.*

2. *American Archives,* 5th series, Vol. I, pp. 1054–1055.

3. *Cf.* McMahon, *An Historical View of the Government of Maryland,* p. 441. The Senate was the active instrument in curbing the powers of the House of Delegates.

4. For particulars in subsequent connotations, *cf.* DeCourcy W. Thom, pamphlets issued under the auspices of the Just Government League.

5. McMahon, *op. cit.,* p. 479.

6. *Cf. Federalist,* No. 3.

7. Votes and Proceedings of the House of Delegates, March 10, 1777.

8. Details concerning the interesting career of the Goddards, mother, son, and daughter, are given in Wroth's *History of Colonial Printing in Maryland.*

9. Sparks, *Life of Washington,* Vol. IV.

10. And so it is recorded on the tablet marking the site of the old building where this Congress sat, a memorial set up by the Maryland Society of the Sons of the American Revolution on February 22, 1894. This historic site is now (1928) occupied by the Exchange Bank offices of the Baltimore Trust Company, on the corner of Baltimore and Liberty streets.

11. "Small or great, ceremonial or essential, every point in the dispute between the British Cabinet and the Continental Congress was surrendered without ambiguity and without reserve."—Trevelyan.

12. As a prisoner of war, De Kalb wrote this eulogy some days after the battle.

13. In March, 1779, Washington had written to his political godfather, George Mason: "I have seen without despondency even for a moment the hours which America[ns] have stiled her gloomy ones, but I have beheld no day since the commencement of hostilities that I have thought her liberties were in such eminent danger as at present."

14. Hanson's *Laws of Maryland.*

15. *Cf.* Henry Lee's *Memoirs of the War in the Southern Department of the United States.*

16. Congress at last awoke to the value of his services and awarded Morgan a gold medal. Howard and Washington received silver medals.

17. Lee to Lafayette, April 8, 1781.

18. *Cf.* Sparks, *Life of Washington.* In Baltimore Lafayette was entertained at a great ball. According to contemporary reports he was asked why he appeared so sad. The Marquis replied that he could not very well help thinking of his men, who so badly needed clothes and supplies, whereupon the ladies present volunteered their services, and the assembly room was the next day turned into an improvised clothing manufactory. That this idea was not, however, as spontaneous as tradition presents it may be gathered from the fact that Lafayette had written to General Greene: "I hope to set the Baltimore ladies at work."

In this same letter—lest the story of disaffection and frequent desertions may lead to unfair reflections upon the entire contingent—Lafayette referred to "our brave and excellent men (for this detachment is exceedingly good)."

About one month later the representatives of the United States resolved, "That Congress entertain a just sense of the patriotic and timely exertions of the merchants of Baltimore, who so generously supplied the Marquis de Lafayette with about two thousand guineas, to enable him to forward the detachment under his command; that the Marquis de Lafayette be assured that

Congress will take proper measures to discharge the engagements he entered into with the merchants."

19. The present site of the Southern Hotel (1929).

20. Alexander Garden (aide-de-camp to General Greene), *Anecdotes of the Revolutionary War.* See also Heitman, *Historical Register, Officers, Continental Army.*

21. *Correspondence of the Revolution,* Vol. III, p. 21.

CHAPTER VIII

1. Because of the reverses that had befallen the Continental armies, necessitating the removal of the Continental Congress to Baltimore, the Council of Safety called the Assembly together five days ahead of the appointed time.

2. After describing the inaugural ceremonies as being impressive and satisfactory, the *Maryland Gazette* noted *an exception* in that "a matross, belonging to one of the companies stationed here, getting in the smoak before one of the cannon, just as it was fired, unhappily lost his life."—Issue of March 28, 1777.

3. *The Laws of Maryland.*

4. In writing, April 21, 1778, to Governor Johnson Carroll complained about the lethargy and indifference which had set in as compared with the zeal of 1775 and 1776.

5. Scharf, *op cit.,* Vol. II, p. 478.

6. Letter of Jusserand to President Garey of St. John's College, May 3, 1924.

7. The expatriated Loyalists may have derived some satisfaction from the fact that five years later Samuel Purviance, the chairman of this meeting, was captured by the Indians on the Ohio River and never again heard of.

8. The Senate representatives were Samuel Hughes, Thomas Stone, and Charles Carroll of Carrollton. Those appointed by the House of Delegates were Messrs. George Digges, John De Butts, John Cadwalader, Samuel Chase, Joseph Dashiell, Philip Key, and Gustavus Scott.

9. At this session the General Assembly made Major General Marquis de Lafayette and his male heirs for all time citizens of the State of Maryland.

10. Scharf appears to have fallen into this error. *History of Maryland,* Vol. II, p. 525.

11. *Cf.* Pamphlet by Judge Daniel B. Lucas, entitled, "The Inventor of the Steamboat."

12. *Cf.* Vol. II, *Documentary History of New York in re controversy as to James Rumsey.*

13. Original in possession (1929) of the Orrick family of Baltimore.

14. *Cf.* Lucas pamphlet, p. 2; excerpt from *The Portfolio,* a magazine published in Philadelphia. Rumsey was buried in St. Margaret's Church, Westminster.

15. *The Framing of the Constitution,* p. 203.

16. *The Genuine information, delivered to the Legislature of the State of Maryland, relative to the proceedings of the General Convention, lately held at Philadelphia.*

17. Scharf, *History of Western Maryland,* p. 384.

18. Eddis, *Letters.*

19. Hornblow, Vol. I, p. 140.

CHAPTER IX

1. Scharf, *History of Western Maryland,* p. 145.

2. In Schulz's *History of Freemasonry in Maryland,* the laying of the cornerstone of the Capitol is described in detail. Joseph Clark, master of Lodge No. 12 of Annapolis, acted as Grand Master *pro tem.*

3. "The records of the Supreme Court of the United States abound with admiralty appeals in cases of . . . British owners trying to recover their vessels captured by American privateers sailing under a French flag. They very seldom succeeded however."—Scharf, *History of Maryland,* Vol. II, p. 581.

4. *Hale's Magazine,* November, 1831.

5. In his *Life of John Marshall* (Vol. II, pp. 558–562) Beveridge states that Marshall was both Secretary of State and Chief Justice at the time he signed the commissions, but that he was drawing but one salary.

6. Unpublished.

7. Charles Varle, *View of Baltimore,* p. 95.

8. For a partial collection of the New England expressions of dissatisfaction see Plummer's *Life of William Plummer,* p. 277 *et seq.*

9. Hamilton, *History of the Republic,* Vol. VII, p. 781; Adams, *New England Federalism,* p. 354.

10. The three Americans were finally reprieved on condition that they should reënter the British service, but Ratford was hanged. One of the Americans died in captivity in the English navy, and the others, after five years' hard service, were restored to the *Chesapeake.*—Lossing, *War of 1812,* p. 158. Ratford was one of the five men protected and enlisted by Sinclair.

11. Italics inserted.

12. Previously, during the course of the mêlée, at the printing office, the "garrison" had fired into the crowd, killing one and wounding several. *Cf.* Marine, *The British Invasion of Maryland,* p. 9.

13. *London Statesman: Niles's Register,* Vol. II, pp. 360, 395.

14. *The British Invasion of Maryland.*

15. *Singleton Papers,* father and son; *cf.,* also references, *infra,* p. 557.

16. *Niles's Register,* Vol. IV, pp. 356–375.

17. *Ibid.,* Vol. V, pp. 260, 375; Scharf, *History of Maryland,* Vol. III, p. 59.

18. *Cf. Maryland Historical Magazine,* Vol. VI, p. 16.

19. *Cf.* Skirven, *Kent's Part in the War of 1812–1814;* also British *Annual Register* for 1814.

20. Vol. VII, p. 25.

21. *Niles's Register.*

22. *Cf.* also James, *Naval History of Great Britain,* Vol. VI, p. 190.

23. Armistead's report.

24. *The Life and Opinions of Sir Charles James Napier,* by Sir William Napier.

25. O. G. Sonneck, "The Star-Spangled Banner"; *cf.* also volume of Key's poems edited by Henry V. D. Jones, 1857.

CHAPTER X

1. Scharf, *History of Maryland,* Vol. III, pp. 139–140.

2. Varle, *View of Baltimore,* p. 67.

3. Tyler, *Memoir of Roger Brooke Taney,* p. 158.

4. The work of Thomas Jefferson in Virginia provided the inspiration to Thomas Kennedy in his extended fight to remove the civil and political disabilities of the Jew in Maryland during the first half of the Nineteenth Century. *Cf.* Altfeld, *The Jews' Struggle for Religious and Civil Liberty.*

5. *Cf.* Shea, *History of Georgetown University.*

6. *Cf.* Guilday, *Life and Times of John Carroll, Archbishop of Baltimore;* Will, *Life of Cardinal Gibbons. Cf.* Russell, *Maryland, the land of Sanctuary.*

7. *Cf. Unequal Religious Rights in Maryland since 1776,* by B. H. Hartogensis, Vol. XXV, p. 93, of the *Publications of the American Jewish Historical Society;* see also *Daily Record* of Baltimore, March 26, 1917. *Cf.* also Aaron Baroway, *The Cohen Family,* in Maryland Historical Society Proceedings, Vols. XVIII and XIX.

8. The Union Canal, the Potomac Canal, and the Potomac and Ohio Canal were names suggested for the canal along the Potomac, according to the descriptive pamphlet of 1828, entitled voluminously *"Chesapeake and Ohio Company, Acts of the States of Virginia, Maryland, and Pennsylvania and of the Congress of the United States, in Relation to the Chesapeake and Ohio Canal Company."*

9. Scharf, *History of Maryland,* Vol. III, p. 177.

10. *Cf. A Brief History of Panics and Their Periodical Occurrence in the United States,* by Clement Juglar and DeCourcy W. Thom.

11. Heinrich Buchholz, *Governors of Maryland.*

12. *Cf.* Scharf, *op. cit.,* Vol. III, pp. 187–189.

13. *Cf. Niles's Register,* Vol. III, p. 73.

14. A little-known volume by Charles H. Owen, published in 1908, represents an effort to bring out the facts; but this was followed in 1919 by a more complete work prepared by Justin Harvey Smith.

15. Robert E. Lee, before the Committee of Congress in 1868.

16. *Cf. A History of the General Assembly of Maryland.*

17. *Financial History of Baltimore.* An interesting comparison might be drawn between the frauds of the American party in Baltimore and those of the early days of Tammany control in New York or of the equally corrupt but not so well advertised political machine in Philadelphia that gained for the latter city the sobriquet of "corrupt and contented." In the immediate present, Chicago, Indianapolis, and sundry other cities have been going through a "period of recrudescence" in crimes of violence or wholesale corruption.

CHAPTER XI

1. In the volume by James Spence, British commentator, on *The American Union,* (p. 119) is found the following observation: "Dr. Mackay, in his recent work, *Life and Liberty in America,* remarks: 'The struggle between the North and South, of which the negro is made the pretext, is, as all the world knows by this time, a struggle for political power and ascendancy.' Agreeing entirely as to the fact, we differ in opinion as to its being so generally known. There are numbers in this country who do verily believe that the present conflict is between slavery, and an effort to abolish it. Because the Northern are called Free, and the Southern Slave States, their respective names have been adopted in the minds of many as symbols of the principle at issue."

2. *Cf.* Edward Ingle, *Johns Hopkins University Studies;* Ely, *Library of Economics and Politics,* No. X, p. 109, *passim;* Kettell, *Southern Wealth and Northern Profits,* p. 163, *passim.* For an authoritative and strictly Maryland point of view, see John P. Kennedy's *The Border States, Their Power and Duty in the Present Disordered Condition of the Country* (1860).

3. Kettell, *Southern Wealth and Northern Profits.*

4. The views of sundry noted commentators that Federal compromises meant Northern concessions seem to have been based upon the remarks of William H. Seward, who, despite his various claims to distinction, appears to have had, in the presentation of political arguments, small respect for facts. *Cf.* remarks on Taney and Buchanan.

5. *The Works of William E. Channing,* 1889, American Unitarian Society, p. 735.

6. Nicholay and Hay, *Abraham Lincoln, Speeches, Letters and State Papers,* Vol. I, p. 174.

7. *Lincoln-Douglas Debates,* p. 31.

8. *Cf.* Scharf, *History of Western Maryland,* p. 351; also *Message of* Governor Pratt.

9. *Abraham Lincoln, Speeches, Letters and State Papers,* Nicholay and Hay, Vol. I, p. 148.

10. The Federal Census of 1860 gave Maryland 516,108 whites, 87,188 negro slaves, and 83,718 free negroes.

11. Oswald Garrison Villard, *John Brown, A Biography Fifty Years After,* p. 285.

12. *Ibid.,* p. 431.

13. *Cf.* Hill Peebles Wilson, *John Brown, A Critique,* p. 31.

14. Hughes, *The Manliness of Christ.*

15. *Origin of the Late War,* p. 104.

16. *The Civil War and the Constitution,* Vol. I, pp. 42–44.

17. *Abraham Lincoln, Letters, Speeches, and State Papers,* Nicholay and Hay, Vol. I, p. 187.

18. Samuel Tyler, *Memoir of Roger Brooke Taney,* p. 378.

19. *Cf.* Dunbar Rowland, *Encyclopedia of Mississippi History,* Vol. I, p. 836.

20. *The Border States, Their Power and Duty in the Present Disordered Condition of the Country.*

21. *Cf.* Connor, *John A. Campbell,* p. 12; *cf.* also *Congressional Globe,* Vol. II, p. 1300 *et seq.*

22. Lamon, *Life of Lincoln,* p. 513 *et seq.*

23. *Ibid.,* p. 523.

24. *Cf.* Connor, *op. cit.,* pp. 124–218.

25. "The Scene on Pratt Street, 19 April, 1861, is photographed on my memory. The attacking party was not very large. I should say Mr. Tayleure's estimate of 250 approximated the number."—Francis A. Richardson, in letter to author, 22 July, 1925.

26. *Cf.* (Mayor) George William Brown—*Baltimore and the 19th of April,* 1861, *J. H. U. Studies in Historical and Political Science.*

27. This incident gave rise to the story incorporated in Colonel Jones's official report that the Mayor had seized a musket from the hands of one of the soldiers and killed a man therewith.

28. From Mayor Brown's official statement as to the interview, published April 2, 1861.

29. The arrest of Delegate Ross Winans, immediately after the adjournment of the General Assembly.

30. *Correspondence of the Civil War in the United States*, p. 102, London, 1862.

31. Preface to *Social and Industrial Conditions in the North during the Civil War.*

32. Colonel R. E. Lee had resigned from the United States army immediately after he had been offered the command of the Federal forces; but, at the same time, he wrote to his son Custis not to be influenced by his example; and that he (Custis) must determine his own course by his own conscience. Custis remained in the United States service for some weeks or after the final action in the withdrawal of Virginia had been taken, accompanied by overt acts significant of invasion by Federal power.

33. *Cf.* Buchanan's letter to the editor of the Richmond *Examiner,* May 9, 1863.

34. This scattering of the Maryland volunteers proved the fruitful cause of misapprehensions that existed for some years after the war; even in some historical narratives the number of Maryland volunteers in the Confederate service is given at figures that covered enlistment only in those companies which were definitely rated as being from Maryland.

35. Among the many unpublished diaries, notes, and reminiscences of Marylanders engaged on either side of the armed controversy may be found the comments of Augustus James Albert, Jr. The following excerpts are of especial interest here: "Notwithstanding the John Brown raid, the people in both States [Maryland and Virginia], the best of them especially, were enthusiastically in favor of the Union, and in Baltimore we were parading the streets with Union flags. . . . Then came the first gun at Sumter, then the change. It did not require the subsequent beautiful example of our great leader Robert E. Lee to influence us. Our people knew of but one thing to do, to defend our homes, our friends and our State. It must have been a holy cause when the mothers in our Southern States could so far control themselves as to offer to it their husbands, and their sons, as my mother did, who said to me, 'Yes, my dear son, it is time for you to go.' . . .

"Of the four or five native [unconditional] Union men in Baltimore, at this time, my uncle, William Albert, was one and I believe all the others thought very much as he did. When I confided to him my intention to join the Confed-

erate Army he told me the North could whip the South in three months; that he had travelled all over the country and knew what the resources of each section were and that I was a fool to go South."

Out of thousands of real or alleged incidents of war time, one, in particular, refers to the Maryland campaign of 1862. The story reached Whittier, who gave it poetic form in "Barbara Frietchie." In view of the fact that the tale he has so attractively set forth has had wide popular acceptance, comment appears desirable. When examined in the light of the least knowledge of the character and characteristics of General "Stonewall" Jackson, the alleged incident, as given in the poem, is certainly not historical. In the first place Jackson is represented as wasting valuable ammunition in an attempt to shoot down a flag floating from a window of a private house, after which that peculiarly self-contained commander is suffused with "a blush of shame." As a matter of fact Jackson and his immediate staff did not ride by the Fritchie house at all. The testimony as to this is extensive and incontrovertible, being derived from both Union and Confederate sources. Furthermore, Mrs. Fritchie, being in her ninety-sixth year, was scarcely able so dramatically to "snatch" the "silken scarf [sic] as it fell." Under date of April 8, 1869, the diary of Jacob Engelbrecht, a strong Union sympathizer, discloses the following observation: "I would here remark—that the 'Barbara Fritchie' exploit, as put in poetry by John G. Whittier of Vermont in regard to displaying the Union Flag in the face of the Rebel Army, under Genl. Lee in September, 1862, is *not true*. . . . I do not believe one word of it—I live directly opposite, and for three days I was nearly continually looking at the Rebel army passing the door. . . . Nearly the whole army passed our door and should anything like that have occurred I am certain some of our family would have noticed it. The first I heard of it was the Whittier poetry." Engelbrecht was Mayor of Frederick from 1865 to 1868. His daily comment records an interesting variation of nomenclature as to the status of the visitors. Up to the news of their crossing the Potomac Lee and his army were described as "rebels"; approaching Frederick they became "Confederates"; and while they were actually in the town, they were "Southerners." On the other hand, when the Grey-coats had disappeared over the Frederick hills, they returned to their original status as "rebels."

Relatives and patriotic citizens have gathered testimony with regard to some showing of a flag by Mrs. Fritchie, and the statement, often made by other Fredericktonians, that she was "bed-ridden," is categorically denied. Mrs. Fritchie, as Barbara Hauer, was born in Pennsylvania of German parents, December 3, 1766; and she died December 18, 1862. There may have been a number of flag-waving incidents as the Confederates passed through Maryland; for there are many rumors to that effect, one of them being credited to Mary Quantrell; another is credited to Mary Cole, who is represented as having fallen in love with a Confederate officer, who had protected her from the bantering of the Southern soldiers.

36. Brown, *op. cit.*, p. 93. Other noted Baltimoreans confined in Fort Warren or other Federal prisons were James L. Bartol, Severn Teackle Wallis, Marshal George P. Kane, and Mayor George William Brown.

37. "General Lee knew perfectly well that a people who had been under military rule for fifteen months, who had been subjugated by every method known to military and relentless force, could not organize resistance or revolution until confidence in themselves and their cause had been restored by the presence of an abiding and permanent power."—Johnson, *The First Maryland Campaign*, p. 7.

38. ". . . No restraint upon your free will is intended, no intimidation will be allowed.

"Within the limits of this army at least, Marylanders shall once more enjoy their ancient freedom of thought and speech.

"We know no enemies among you, and will protect all of every opinion.

"It is for you to decide your destiny, freely and without constraint.

"This army will respect your choice whatever it may be, and while the Southern people will rejoice to welcome you to your natural position among them, they will only welcome you when you come of your own free will.

"R. E. Lee, *General Commanding.*"

39. *Op. cit.*, pp. 10–11.

40. Again referring to the manuscript of A. J. Albert (*op. cit.*) one notes, in corroboration of this more liberal view of McClellan's character and services that Mr. Albert regarded a *Life of Stanton* as little better than "a tirade against General George McClellan, the finest General and the nearest in capacity in all branches of the service, to our General Robert E. Lee, that the United States had from the beginning to the end of the war. As a proof of his ability, during the first part of the war, the Confederacy had almost as many men in our army as they had in theirs, and we had the very best men in the South. Notwithstanding this, neither our Generals at first in command, nor General Lee later, could make any decided headway against General McClellan. Our great victories were after he was deposed and when our army had been reduced to one-half, and towards the last, to one-tenth of the Northern army. The talk by politicians against Gen. McClellan began in December, 1861. The charges against him were, that he would not advance and demolish the Confederate Army at once. When General McClellan took command of the Union Army, it was a defeated and disorganized rabble of volunteers. During the winter of 1861 and spring of 1862 it was utterly impossible for him to advance over the Virginia mud roads, as our retreat from Dumfries to Fredericksburg will fully testify. They would have had a much harder time than we had, if they had tried to follow in our trail. It took our Company of six guns from daybreak to night to make the first three miles. The roads were so cut up that most of the guns and wagons had to be hauled along in the fields. The teams many times had to be doubled and as many men as could get hold of the guns and caissons would be lifting and pushing, often up to their knees in mud. I am sure that day I saw a dozen horses and mules lying dead, drowned in the mud holes in the roads. That night our guns were parked in a field, and the next morning we found nearly all of them had sunk down to

the axles in the soil. They had to be dug and prized up; fence rails and branches of trees put under the wheels, and the horses' feet."

41. *Reports of the Army of Northern Virginia,* Vol. II, p. 129.

42. The Purnell Legion fought in the Third Brigade of Brigadier General George S. Green's Second Division of the Eleventh Army Corps. The First Maryland (Federal) Artillery, or the "Gist Artillery," as it was sometimes called, also won distinction in this memorable battle. It occupied an advanced position.

43. Letter from Brigadier General B. T. Kelly. General Kelly added: "Your services afterward, in aiding to drive the enemy from the State, were not less valuable, and deserve great praise."

The Second Maryland, C. S. A., was in General Jones's command.

44. General Trimble lost a leg in the battle and was carried a prisoner to Johnson's Island, where hundreds of Confederate officers endured incredible sufferings from exposure and starvation. With Trimble were the Marylanders, Generals Archer and Herbert, Colonel Henry Kyd Douglas, and Lieutenants Cooke, McKnew, Crown, and McNulty.—*Cf.* Henry E. Shepherd, *A Narrative of Prison Life at Baltimore and Johnson's Island.*

In view of the fact that a Maryland officer, General W. S. Winder, was prominently connected with the charge or keeping of Federal prisoners in the South, it is worth while to present a brief summary of this subject. The sufferings of the Federal prisoners in the South were terrible; for the Confederate Commissary department almost completely broke down in furnishing supplies for Confederate soldiers, who were often barefooted and generally half clad. It should be remembered, however, that the Confederate authorities offered, in desperation, to let the Federal surgeons provide food and medicines for the Northern prisoners. They even offered to buy medicines (declared contraband of war by the Federal government), with cotton and gold. Finally they offered to send thousands of their prisoners North without requiring any equivalent if the Federal authorities would but provide transportation. Transportation was at last sent, after many months, but too late to prevent the great mortality of the summer of 1864.

In regard to the matter of comparative prison fare it is interesting to note that Thomson M. King, a Maryland Confederate of Anne Arundel, was one of a number of exchanged prisoners who participated in an episode, of which he gave the following account: "Not far from Mason and Dixon's line, a train bearing exchanged Federal prisoners on the way North stopped by the side of a train bearing Confederate prisoners to the South. The former had been provided with rations in the shape of corn pones or crusts. These pones were very distasteful to Federal prisoners who were not used to such fare, especially as they were made from 'unbolted' meal. Not infrequently this form of food proved fatal to those not used to it, but the Southern commissary department often supplied even less than this to Confederate soldiers, who at times, ate the raw corn in the field. The 'Yanks,' therefore, were carrying

some of these cornbread crusts North as souvenirs of 'Rebel' hospitality. As the trains stopped alongside of each other, the prisoners exchanged banter, and the 'Yanks' threw the detested crusts into the car windows at the Rebs. To the utter amazement of the former, the starving Rebs devoured the crusts 'and yelled for more.'"

45. In connection with the Confederate deficiency in supplies, it may be noted that when Major General Hancock was wounded in the last day's battle, he is said to have remarked: "The enemy must be short of ammunition, as I was shot with a ten-penny nail!"

46. The address was signed by the following well-known officers of the Maryland contingent: Gregory Barrett, Jr., Lieutenant Colonel Fourth Maryland Volunteers; N. T. Dushane, Colonel First Maryland Infantry, commanding Second Brigade; J. G. Johannes, Lieutenant Colonel Eighth Maryland Volunteers; Charles E. Phelps, Colonel, commanding Seventh Maryland Volunteers; J. W. Wilson, Lieutenant Colonel, commanding First Maryland Volunteers. To these may be added Pennsylvania officers who were closely associated with the Marylanders.

47. "General Early has returned from Maryland, bringing horses, cattle, etc. While near Washington, the army burned Mr. Montgomery Blair's house, which I cannot persuade myself to regret, and spared the residence of his father, by order, it is said, of General Breckinridge. I know that General B. was right, but I think it required great forbearance, particularly in the soldiers, who have felt in their own persons and families the horrors of this cruel war of invasion."—*War Time Diary of Judith Brockenbrough McGuire,* of Alexandria.

For several days Baltimore had been shut off from communication with the rest of the world except by water, and it was rumored that Annapolis was in danger, where at the time the State Constitutional Convention was in session. Upon the withdrawal of the Confederates the extremists of the Convention appealed to the President of the United States "as an act of justice and propriety, to assess upon known sympathizers with the rebellion, residents in this State, the total amount of all losses and spoliations sustained by loyal citizens of the United States resident in this State, by reason of the recent Rebel raid, to compensate loyal sufferers." It was stated, for example, that Early's men had destroyed the barn of Thomas Harris near Frederick. Consequently a number of persons were compelled to pay damages for the same, these assessments varying in amount from a minimum of $64.82 to a maximum against James Pearre of $1,296.30.

48. *Cf.* Riley, *History of the General Assembly of Maryland,* pp. 373–374. Lincoln had shrewdly pointed out that Bradford was not in the strongest position to criticize irregularities in the election, in view of the irregularities that had previously marked his own election.

49. Rhodes, *History of the United States,* 1850–1877, Vol. IV, p. 470.

50. *History of the United States,* Vol. V, pp. 131–132.

51. George Washington Julian, *Political Recollections,* p. 255.

52. *Cf. Life of Dr. Samuel A. Mudd,* by his daughter.

53. *Cf.* Frank R. Kent, *The Story of Maryland Politics,* p. 9 *et seq.*

CHAPTER XII

1. *Cf.* Edward Eggleston, Address before American Historical Association.

2. "That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend."

3. This action was regarded by some as a threat foreshadowing the imposition of further limitations; *cf.* Milligan and McCandle cases, U. S. Supreme Court, 1866–1867. Phelps was also instrumental in preventing the permanent removal from Maryland of the Naval Academy. Under the active advocacy of General Schenck, the majority of the Committee on Naval Affairs voted to remove the Academy to some "more loyal State," Phelps objected, and in this he was aided by Representative Thomas, who usually voted with the radicals.

4. *Cf.* Robert W. Winston, *Andrew Johnson, Plebeian and Patriot.* This illuminating biography should be read with Charles Warren's *The Supreme Court in United States History* and *Congress, the Constitution, and the Supreme Court.*

5. Rhodes, *History of the United States,* Vol. VI, p. 98.

6. Frank R. Kent, *The Story of Maryland Politics,* p. 14.

7. Born November 19, 1801, Vickers died shortly after leaving the United States Senate, on October 8, 1879. He was educated at Washington College and prepared himself privately for the legal profession. In 1836 he was elected as a Whig to the Senatorial College of Maryland. In 1861 he was commissioned by Governor Hicks Major General of militia for the Eastern Shore. He was opposed to secession and endeavored to keep Maryland in the Union, but disapproved of unconstitutional acts on the part of the Federal government.

In 1865 he was elected a member of the Upper House of the General Assembly; and in 1866 he was one of the vice presidents of the Union Convention held at Philadelphia. Two years later, he was elected United States Senator.

General Vickers had two sons in the Federal army and one in the Confederate.

8. *Supra,* p. 489.

9. Clifford R. Myers, state archivist (W. Va.) letter to author June 27, 1928; *cf.* James Clyde McGregor, *The Disruption of Virginia,* p. 263 fn.

10. Kent, *op. cit.,* p. 24.

11. *Cf.* H. W. Schotter, *The Growth and Development of the Pennsylvania Railroad Company,* p. 151; report of investigating committee, submitted March 10, 1874; also, J. Wallace Bryan in Hall's *History of Baltimore,* p. 471 *et seq.*

12. *Cf.* Lewis H. Haney, *A Congressional History of Railways,* Vol. II, p. 161 (University of Wisconsin Studies).

13. *Congressional Globe,* 1861–1862, p. 508.

14. Winston, *op. cit.,* p. 462.

15. Schotter, *op. cit.,* p. 103.

16. For Canal and Railroad competition see J. H. U. *Studies,* Vol. XV, pp. 285, *et seq.;* Vol. XVII, p. 519 *et seq.* Also *Economic History of the Baltimore and Ohio Railroad, J. H. U. Studies,* by Milton Reizenstein. See also *The Early Development of the Chesapeake and Ohio Canal Project,* George Washington Ward, *J. H. U. Studies.*

17. Riley, *History of General Assembly.*

18. The Baltimore *Sun,* per Frank R. Kent.

19. Kent, *op. cit.*

20. Paul Winchester, *Graphic Sketches,* Vol. I, p. 141 *et seq.*

21. T. O. Heatwole, Secretary University of Maryland, September 22, 1928.

22. William Cabell Bruce in Baltimore *News,* October 16, 1899.

23. This statement was confirmed by a letter to the author from Launcelot Packer dated Cleveland, Ohio, June 16, 1928. Mr. Packer conducted the investigation for President Roosevelt.

24. *Cf.* Address of Senator Underwood, Baltimore, October 28, 1916.

25. McMahon, *op. cit.,* p. 465.

26. Thomas F. Cadwalader, *Sovereignty,* 73, An Address before the Maryland State Bar Association, 1927. An extraordinary measure of home rule for counties by a definite plan was granted by Maryland in a Constitutional Amendment in 1915. This amendment permitted home rule to any of the counties which desired an extension of its privileges in that respect, and also for Baltimore City. This privilege was promptly utilized by Baltimore City, which drafted a charter adopted November 5, 1918.

27. "The passing of the new charter, in 1910, establishing in Cumberland the commission form of government, marks, in my opinion, the beginning of Cumberland's prosperity. It aroused in the people not only an active spirit in governmental matters but also a new energy in the furtherance of the general welfare and advancement."—Statement of Mr. Isaac Hirsch, Chairman of the Committee to Establish Commission Government, in letter to author under date of September 19, 1928.

28. In common at first with Annapolis.

29. *A New and Easy System of Geography and Popular Astronomy,* etc., by John O'Neill.

30. *Cf. Address,* DeCourcy W. Thom, President, Just Representation League, April 25, 1910. *Cf.* publications of Just Representation League, based on investigations of DeCourcy W. Thom. Before annexation, Baltimore had twenty-four delegates and four Senators; after annexation, representation was increased to thirty-six delegates and six Senators. Although the larger number of cases brought up before the Court of Appeals originate in Baltimore, the city is represented by but one judge in that court, whereas the other judicial districts are represented by seven judges.

31. "An organization like the Baltimore Symphony takes on a certain national significance, for it is the first and, I believe, only municipally endowed and managed symphony orchestra in the country. Its history is doubly significant in that its entire existence has been the triumph of art over politics and that it was due originally to a concert manager, Frederick R. Huber, and to a politician, James H. Preston, the latter one time mayor of Baltimore."—Henrietta Straus in *The Nation* of May 7, 1924.

32. This review has been approved by an educational expert of national reputation, as also comments on the state educational system, *infra,* p. 638.

33. Ritchie in (California) *Tax Digest,* October, 1927.

34. MS. notes, indices, cards, *etc.,* Maryland War Records Commission (1928).

35. It should be added that Maryland missed another Congressional medal through the accident of the temporary location of the recipient in New Jersey.

Captain Louis Wardlaw Miles was born and reared in Maryland, which was again his residence after the war. After exhibiting notable courage under fire he received the Congressional Medal with the following citation, in addition to the Croix de Guerre with Palm in the French Legion of Honor: "For conspicuous gallantry and intrepidity above and beyond the call of duty in action with the enemy near Revillon, France, September 14, 1918. Capt. Miles volunteered to lead his company in a hazardous attack on a commanding trench position near the Aisne Canal, which other troops had previously attempted to take without success. His company immediately met with intense machine-gun fire, against which it had no artillery assistance, but Capt. Miles preceded the first wave and assisted in cutting a passage through the enemy's wire entanglements. In so doing, he was wounded five times by machine-gun bullets, both legs and one arm being fractured, whereupon he ordered himself placed on a stretcher and had himself carried forward to the enemy trench in order that he might encourage and direct his company, which by this time had suffered numerous casualties. Under the inspiration of this officer's indomitable spirit his men held the hostile position and consolidated the front line after an action lasting two hours, at the conclusion of which Capt. Miles was carried to the aid station against his will."

36. *Cf. History of the One Hundred and Seventeenth Trench Mortar Battery,* by Captain Green, Md. W. R. C.; also Raymond S. Tompkins, *The Story of the Rainbow Division.* Other units having a large number of Marylanders doing active service at the front were the One hundred and Twelfth Machine Gun Battalion, the One Hundred and Tenth Machine Gun Battalion, One Hundred and Tenth Field Artillery, Three Hundred and Tenth Field Artillery. Colored troops who took fighting or consolidation parts were the Three Hundred and Seventy-second Infantry, Three Hundred and Sixty-eighth Infantry, Three Hundred and Fifty-first Artillery, Eight Hundred and Eighth Pioneer Infantry. The Three Hundred and Seventy-second served with the French and received special commendations. See also, Tompkins: *Maryland Fighters in the Great War.*

37. *Cf. Report of the Maryland Council of Defense,* p. 31. Correspondence of author with Secretary of War Dwight W. Davis (September, 1928) points out apparent error as to cost, and the correction of the above *Report* has been here accepted.

38. *Report, op. cit.,* p. 25 *et seq.*

39. *Cf. World's Work,* April, 1926.

40. Address, February 12th.

41. *Supra,* p. 330, *passim.*

42. Kent, *World's Work,* May, 1928.

43. *Cf.* Statement by Dr. Fletcher Harper Swift, Professor of Education, University of California. Dr. Frank P. Bachman, of the General Education Board, expressed the opinion that, "Maryland has the best legally established, the most unified, the most efficient, and the most professional State school system in America."—Letter to Superintendent Cook, 1925.

44. *The Creed of Democracy, Individual Liberty and State Responsibility. Cf.* also Ritchie, "Shall we Govern Ourselves?" *Scribner's,* April, 1928.

45. *Cf.* Publications of Republican State Committee, Campaign of 1926; also Governor Ritchie's reply, the Baltimore *Sun,* November 6, 1926.

AUTHOR'S NOTE: It has been the custom of the author to give to the word *State* the status of a proper noun, when referring to a State in the Federal Union. This captalization is granted partly in accordance with original usage, but also in recognition of the fact that the founders of the Union developed a new principle in preserving the attributes of sovereignty in the separate governments which, for the common good, delegated only specified powers to a central authority. In setting up the manuscript, the editorial department followed the usage customary with a majority of publishers; and since the word had been linotyped lower case throughout the galleys, author and publisher concluded that resetting was not essential and would delay the appearance of the work beyond the specified date of publication.

ADDENDA TO CHAPTER XI: In connection with the anti-abolitionist resolutions of the African Methodist Episcopal Church, it may be said that Maryland produced many negroes of exceptional ability, among whom may be mentioned Frederick Douglass and Henry Highland Garnett. In a letter to Mrs. Maria W. Chapman, whom he describes as an "anti-slavery poetess and editor *pro tem* of the Boston *Liberator,*" Garnett wrote that, although he was "the first colored man that ever attached his name" to the Liberty party, he did not intend, without protest, to be rated as a traitor to freedom because he differed with the specific ideas of the extreme type of abolitionist. He added: "It astonishes me to think that you should desire to sink me again to the condition of a *slave* by forcing me to think just as you do. My crime is that I have dared to think and act contrary to your opinion. I am a Liberty party man—you are opposed to that party—far be it from me to attempt to injure your character because you cannot pronounce my shibboleth. While you think as you do we must differ. If it has come to this that I must think and act as you do because you are an abolitionist or be exterminated by your thunder then I do not hesitate to say that your abolitionism is abject slavery." (*Cf.* letter of Rev. Dr. George F. Bragg, Jr., in Baltimore *Sun,* February 1, 1929; also *Journal of Negro History,* Vol. X, p. 379.)

APPENDICES

APPENDIX A

AN ACT CONCERNING RELIGION

"FORASMUCH as in a well-governed and Christian commonwealth, matters concerning religion and the honour of our God ought in the first place to bee taken into serious consideration, and indevoured to bee settled, Bee it therefore ordayned and enacted by the right honourable Cecilius lord baron of Baltimore, absolute lord and proprietary of this province, with the advice and consent of the upper and lower house of this general assembly, that whatsoever person or persons within this province and the islands thereunto belonging, shall from henceforth blaspheme God, that is, to curse him, or shall deny our Savior Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son, and Holy Ghost, or the Godhead or any of the sayd Three Persons of the Trinity, or the Unity of the Godhead, or shall use or utter any reproachful speeches, words or languages concerning the Holy Trinity, or any of the sayd three persons thereof, shall be punished with death, and confiscation or forfeiture of all his or her land and goods to the lord proprietary and his heires.

"And bee it also enacted by the authority and with the advice and assent aforesaid, That whatsoever person or persons shall from henceforth use or utter any reproachful words or speeches concerning the blessed Virgin Mary, the mother of our Saviour, or the Holy Apostles or Evangelists, or any of them, shall in such case for the first offence forfeit to the sayd lord proprietary and his heires, lords and proprietaries of this province, the sum of 5£. sterling, or the value thereof, to bee levied on the goods and chattels of every such person so offending; but in case such offender or offenders shall not then have goods and chattels sufficient for the satisfying of such forfeiture, or that the same be not otherwise speedily satisfied, that then such offender or offenders shall be publickly whipt, and be imprisoned during the pleasure of the lord proprietary or the lieutenant or the chiefe governour of this province for the time being; and that every such offender or offenders for every second offence shall forfeit 10£. sterling, or the value thereof to be levied as aforesayd, or in any case such offender or offenders shall not then have goods or chattels within the province sufficient for that purpose, then to be publickly and severely whipt and imprissoned as is before expressed; and that every person or persons before mentioned offending herein the third time for such third offence forfeit all his lands and goods and be forever banisht and expelled out of this province.

"And be it also further enacted by the same Authority, advice and assent, that whatsoever person or persons shall from henceforth upon any occasion of offence or otherwise in a reproachfull manner of way, declare, call or

denominate any person or persons, whatsoever inhabiting, residing, trafficking, trading or commercing, within this province, or within any the ports, harbour, creeks, or havens, to the same belonging, an Heretick, Schismatic, Idolator, Puritan, Presbyterean, Independant, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or other name or terme in a reproachful manner, relating to a matter of religion, shall for every such offence forfeit and lose the sum of 10£. sterling, or the value thereof to be levied on the goods and chattels of every such offender or offenders, the one halfe thereof to be forfeited and paid unto the person or persons of whom such reproachful words are or shall be spoken or uttered, and the other halfe to the lord proprietary and his heirs, lords and proprietaries of this province; but if such person or persons, who shall at any time utter or speak any such reproachful words or language, shall not have goods or chattels sufficient or overt within this province to be taken to satisfy the penalty aforesayd, or that the same bee not otherwise speedily satisfied, that then the person or persons so offending shall be publickly whipt and shall suffer imprisonment without bayle or mainprize until he, she, or they shall respectfully satisfie the party offended or grieved by such reproachful language, by asking him or her respectively forgiveness publickly for such his offence before the magistrate or chiefe officer or officers of the towne or place where such offence shall be given.

"And be it further likewise enacted by the authority and consent aforesayd, that every person or persons, within this province, that shall at any time hereafter prophane the Sabaath or Lord's day called Sunday, by frequent swearing, drunkenesse, or by any unciville or disorderly recreation, or by working on that day when absolute necessity doth not require, shall for every first offence forfeit 2s. 6d. sterling or the value thereof; and for the second offence 5s. sterling or the value thereof; and for the third offence and for every time he shall offend in like manner afterwards 10s. sterling or the value thereof; and in case such offender or offenders shall not have sufficient goods or chattells within this province to satisfie any of the aforesayd penalties respectively hereby imposed for prophaning the Sabaath or Lord's day called Sunday as aforesayd, then in every such case the party so offending shall for the first and second offence in that kind be imprisoned till hee or she shall publickly in open court, before the chief commander, Judge or magistrate of that county, towne or precinct wherein such offence shall be committed, acknowledge the scandall and offence hee hath in that respect given against God, and for the good and civil government of this province; and for the third offence and for every time after shall also be publickly whipt.

"'And whereas the inforcing of the conscience in matters of religion hath frequently fallen out to bee of dangerous consequence in those commonwealths where it hath beene practised, and for the more quiet and peaceable government of this province, and the better to preserve mutuall love and unity amongst the inhabitants here, Bee it therefore also by the lord proprietary with the advice and assent of this assembly ordained and enacted, except as in this present act is before declared and set forth, that no person or persons whatsoever within this province or the islands, ports, harbours,

creeks or havens thereunto belonging, professing to believe in Jesus Christ, shall from henceforth be any waies troubled, molested, or discountenanced, for or in his or her religion, nor in the free exercise thereof within this province or the islands thereunto belonging, nor any way compelled to beleefe or exercise of any other religion against his or her consent, so as they be not unfaithful unto the lord proprietary, or molest or conspire against the civil government, established or to be established in this province under him and his heyres; and that all and every person or persons that shall presume contrary to this act and the true intent and meaning thereof, directly or indirectly, eyther in person or estate, wilfully to wrong, disturb, or trouble, or molest any person or persons whatsoever within this province, professing to believe in Jesus Christ, for or in respect of his or her religion, or the free exercise thereof within this province, otherwise than is provided for in this act, that such person or persons so offending shall be compelled to pay treble damages to the party so wronged or molested, and for every such offence shall also forfeit 20s. sterling in money or the value thereof for the use of the lord proprietary and his heires, lords and proprietaries of this province, and the other halfe thereof for the use of the partie so wronged or molested as aforesayd; or if the party so offending as aforesaid, shall refuse or bee unable to recompence the party so wronged or to satisfie such fine or forfeiture, then such offender shall be severely punished by publick whipping and imprisonment during the pleasure of the lord proprietary or his lieutenant or the chiefe governour of this province for the time being, without bail or mainprize.

"And be it further also enacted by the authority and consent aforesayd, that the sheriffe or other officer or officers from time to time to be appointed and authorized for that purpose of the county, town, or precinct where every particular offence, in this present act contained, shall happen at any time to be committed and whereupon there is heereby a forfeiture, fine, or penalty imposed, shall from time to time distrain, and seise the goods and estate of every such person so offending as aforesayd against this present act or any part thereof and sell the same or any part thereof for the full satisfaction of such forfeiture, fine, or penalty as aforesaid, restoring to the party so offending the remainder or overplus of the sayd goods and estate after such satisfaction so made as aforesayd."

APPENDIX B

GOVERNORS OF MARYLAND

Leonard Calvert, 1634–1647.
For brief periods during Leonard Calvert's régime Edward Ingle and Edward Hill were in control of the Province.

Thomas Greene, 1647–1649.
In the actual government of the Province during this period, William Stone was for a time supplanted by the Parliamentary Commissioners. In 1654 Stone and the Parliamentary Commissioners were supplanted by a committee composed largely of Puritans.

Josias Fendall, 1656–1658.
In the administration of the government Fendall was supplanted by others during his nominal term of office.

Philip Calvert, brother of the Proprietary, 1660.

Charles Calvert, son of Cecil, 1661, at intervals, until the Proprietary was dispossessed.
In the intervals between 1661 and 1692 those having part in the government of Maryland were two infant sons of the Proprietary, in their minorities, Cecil and Benedict Leonard; Jesse Wharton; Thomas Notley; William Joseph; John Coode; and others; the Convention of Freemen of Maryland; and Nehemiah Blakistone.

Sir Lionel Copley, 1692–1693.
Subsequently to Copley's death those who succeeded him in authority or who claimed succession were Sir Thomas Lawrence, Sir Edmund Andros, and Colonel Nicholas Greenbury.

Sir Francis Nicholson, 1693–1698.

Nathaniel Blakiston, 1698–1702.
Thomas Tench, President of the Council, acted as Governor during Blakiston's absence in England, 1702.

John Seymour, 1704–1709.
During an interim Francis Jenkins and Edward Lloyd, of the Governor's Council, acted, respectively, as Provincial executives.

John Hart, 1713–1720.
Succeeded by Thomas Brooke, President of the Council in 1720.

Charles Calvert, 1720(N. S.)–1727.

Benedict Leonard Calvert, 1727–1731.

Samuel Ogle, 1731–1742 (first term, with interim of brief personal control by the fifth Lord Baltimore, 1733).

Thomas Bladen, 1742–1747.

Samuel Ogle (in second reinstatement), 1747–1752.

Benjamin Tasker, 1752–1753.

Horatio Sharpe, 1753–1769.

Robert Eden, 1769–1776.
Some of the powers of the Proprietary government descended upon Richard Lee, President of the Council in 1774.

Committees, Conventions, and Councils of Safety, 1774–1777.

Elected Annually by the General Assembly of the State with Executive Council:

Thomas Johnson, 1777–1779
Thomas Sim Lee, 1779–1782
William Paca, 1782–1785
William Smallwood, 1785–1788
John Eager Howard, 1788–1791
George Plater, 1791–1792
James Brice, 1792
Thomas Sim Lee, 1792–1794
John H. Stone, 1794–1797
John Henry, 1797–1798
Benjamin Ogle, 1798–1801
John Francis Mercer, 1801–1803
Robert Bowie, 1803–1806
Robert Wright, 1806–1809
Edward Lloyd, 1809–1811
Robert Bowie, 1811–1812
Levin Winder, 1812–1815
Chas. Ridgely, of Hampton, 1815–1818
Charles Goldsborough, 1818–1819
Samuel Sprigg, 1819–1822
Samuel Stevens, Jr., 1822–1825
Joseph Kent, 1825–1828
Daniel Martin, 1828–1829
Thomas King Carroll, 1829–1830
Daniel Martin, 1830–1831
George Howard (acting), 1831
George Howard, 1832–1833
James Thomas, 1833–1835
Thomas W. Veazey, 1835–1838

Elected By the People under the Constitution of 1838 for Three-Year Terms:

William Grason, 1838–1841
Francis Thomas, 1841–1844
Thomas G. Pratt, 1844–1847
Philip F. Thomas, 1847–1850
Enoch Louis Lowe, 1850–1853

Elected Under the Constitution of 1851 for Four Years:

Thomas Watkins Ligon, 1853–1857 Augustus W. Bradford, 1861–1865
Thomas Holliday Hicks, 1857–1861

Elected Under the Constitution of 1864 for Four Years:

Thomas Swann, 1865–1868

Elected Under the Constitution of 1867 for Four Years:

Oden Bowie, 1868–1872
Wm. Pinkney Whyte, 1872–1874
James Black Groome, 1874–1876
John Lee Carroll, 1876–1880
William T. Hamilton, 1880–1884
Robert M. McLane, 1884–1885
Henry Lloyd, 1885–1888
Elihu E. Jackson, 1888–1892
Frank Brown, 1892–1896
Lloyd Lowndes, 1896–1900
John Walter Smith, 1900–1904
Edwin Warfield, 1904–1908
Austin L. Crothers, 1908–1912
Phillips Lee Goldsborough, 1912–1916
Emerson C. Harrington, 1916–1920
Albert C. Ritchie, 1920–1924*
Albert C. Ritchie, 1924–1927
Albert C. Ritchie, 1927–

*Due to Constitutional Amendment of 1922, the Governor elected in 1923 served three years.

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